



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JAN 29 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5966 2632

Joe O'Connor
Chief – Office of Public Safety
Broome Community College
P.O. Box 1017
Binghamton, NY 13902

Re: **Administrative Order CWA-02-2013-3014**
Broome Community College Municipal Separate Storm Sewer System (“MS4”)
SPDES Permit No. NYR20A302

Dear Mr. O'Connor:


The United States Environmental Protection Agency (“EPA”), Region 2, has made a finding that the above-named entity, Broome Community College (“BCC” or “College”), is in violation of the Clean Water Act (33 U.S.C. §1251 *et seq*) (“CWA” or “Act”) for New York State Department of Environmental Conservation (“NYSDEC”) State Pollutant Discharge Elimination System (“SPDES”) violations as described in the findings of this ORDER. Enclosed are two (2) originals of this ORDER, issued pursuant to Section 309(a) of the Act, which detail the findings.

Also enclosed is the compliance audit report for the MS4 audit conducted by EPA at the above mentioned entity on April 24 & 25, 2012.

Please acknowledge receipt of this ORDER on one of the originals and return it by mail in the enclosed envelope. Failure to comply with the enclosed ORDER may subject the municipality to civil/criminal penalties pursuant to Section 309 of the Act. Failure to comply with this ORDER shall also subject the municipality to ineligibility for participation in work associated with Federal contracts, grants or loans.

If you have any questions regarding this ORDER, please contact Mr. Douglas McKenna, Water Compliance Branch Chief, at (212) 637-4244 or Christy Arvizu at (212) 637-3961 or via e-mail at arvizu.christy@epa.gov.

Sincerely,


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosures

cc: Joseph DiMura, NYSDEC
Joseph Zalcwski, NYSDEC Region 7

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

Broome Community College
907 Upper Front Street #1
Binghamton, NY 13905

SPDES Permit No. NYR20A302

Proceeding pursuant to Section 309(a) of the
Clean Water Act, 33 U.S.C. §1319(a)

**ADMINISTRATIVE
COMPLIANCE ORDER**

CWA-02-2013-3014

The following Findings of Violation are made, and Order for Compliance ("Order") issued, pursuant to Section 309(a) of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. §1319(a). This authority has been delegated by the Administrator of the United States Environmental Protection Agency ("EPA") to the Regional Administrator, EPA Region 2, and since further redelegated to the Director, Division of Enforcement and Compliance Assistance, Region 2, EPA.

A. Legal Authority

1. Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a), prohibits the discharge of pollutants from a point source into waters of the United States, except in compliance with, *inter alia*, Section 402 of the CWA 33 U.S.C. §1342.
2. Section 402 of the CWA, 33 U.S.C. §1342, provides that pollutants may be discharged only in accordance with the terms of a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to that Section.
3. Section 402 of the CWA, 33 U.S.C. §1342, authorizes the Administrator of EPA to issue a NPDES permit for the discharge of any pollutant, or combination of pollutants subject to certain requirements of the CWA and conditions which the Administrator determines are necessary. The New York State Department of Environmental Conservation ("NYSDEC") is the agency with the authority to administer the federal NPDES program in New York pursuant to Section 402 of the CWA, 33 U.S.C. §1342. EPA maintains concurrent enforcement authority with authorized States for violations of the CWA. Additionally, under the authority granted to the NYSDEC by the EPA under Section 402(b) of the CWA, 33 U.S.C. §1342(b), a New York State Pollutant Discharge Elimination System ("SPDES") permit is required to be issued to facilities by the NYSDEC for the discharge of pollutants from said facilities from a point source to a navigable water of the United States.

4. "Person" is defined by Section 502(5) of the CWA, 33 U.S.C. §1362(5), to include an individual, corporation, partnership, association or municipality.
5. "Pollutant" is defined by Section 502(6) of the CWA, 33 U.S.C. §1362(6), to include among other things, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge and industrial, municipal and agricultural waste discharged into water.
6. "Point source" is defined by Section 502(14) of the CWA, 33 U.S.C. §1362(14), to include any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
7. "Navigable waters" is defined by Section 502(7) of the CWA, 33 U.S.C. §1362(7), to include the waters of the United States.
8. "Discharge of a pollutant" is defined by Section 502(12) of the CWA, 33 U.S.C. §1362(12), to include any addition of any pollutant to navigable waters from any point source.
9. "GIS" or "Geographic Information Systems" is defined as a computer system capable of capturing, storing, analyzing, and displaying geographically referenced information; that is, data identified according to location.
10. Section 402(p) of the CWA, 33 U.S.C. §1342(p), sets forth the requirements for the discharge of stormwater, including discharges of stormwater from Municipal Separate Storm Sewer Systems ("MS4s").
11. 40 C.F.R. §122.26(b)(8), defines an MS4 as a "conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by State law)...that discharges into waters of the United States; (ii) designed or used for collecting or conveying stormwater; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works..."
12. 40 C.F.R. §122.26(b)(3) defines "incorporated place," in part, as a city, town, township, or village that is incorporated under the laws of the State in which it is located.
13. 40 C.F.R. §122.26(b)(16)(ii) defines "small municipal separate storm sewer system," in part, as not defined as "large" or "medium" MS4s.
14. Pursuant to 40 C.F.R. §122.32(a)(1), all small MS4s located in an "urbanized area" (as determined by the latest Decennial Census by the Bureau of Census) are regulated small MS4s.
15. 40 C.F.R. §§122.33(a) and (b) require operators of regulated small MS4s to seek authorization to discharge under the applicable NPDES general permit issued by the permitting authority, by submitting a Notice of Intent ("NOI") for coverage under such permit.

16. NYSDEC issued a SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-02-02) on January 8, 2003. The SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems ("Permit") expired on January 8, 2008 and was administratively extended until the Permit was reissued on April 15, 2008 as GP-08-02. The Permit was subsequently renewed on May 1, 2010 and will expire on April 30, 2015.

B. Factual Background

1. Broome Community College ("BCC" or "College") is a public body chartered under the laws of the State of New York, and as such, the College is a "person," as defined in Section 502(2) and (5) of the CWA, 33 U.S.C. §1362(2) and (5), and 40 C.F.R. §122.2.
2. BCC owns and operates the MS4, located at Broome Community College, Broome County, New York and is, therefore, an "owner or operator" within the meaning of 40 C.F.R. §122.2.
3. The MS4 owned and operated by the College is a small MS4 located in a urbanized area within the meaning of 40 C.F.R. §122.26(b)(16)(ii) and 40 C.F.R. §122.32(a)(1).
4. An MS4 is a point source within the meaning of Section 502(14) of the CWA, 33 U.S.C. §1362(14).
5. BCC's MS4 discharges stormwater, a pollutant within the meaning of Section 502(6) of the CWA, 33 U.S.C. §1362(6), to Chenango River and Cutler Pond, waters of the United States within the meaning of 502 of the CWA, 33 U.S.C. §1362, and 40 C.F.R. §122.2, and as such, discharges pollutants within the meaning of Section 502(12) of the CWA, 33 U.S.C. §1362(12).
6. The College submitted a Notice of Intent ("NOI") under the SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-02-02) on March 7, 2003. The NOI was received by NYSDEC on March 5, 2003 and issued SPDES Permit No. NYR20A302. Upon expiration of GP-02-02 on January 8, 2008, permit coverage was automatically carried over to the reissued NYSDEC SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-08-002), which became effective on May 1, 2008 and expired on April 30, 2010. At that time, permit coverage was automatically carried over to the reissued NYSDEC SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-0-10-002) which went into effect on May 1, 2010 and will expire on April 30, 2015.
7. EPA, accompanied by its contractor and NYSDEC, conducted a compliance audit of the College's MS4 on April 24-25, 2012.
8. NYSDEC General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-0-10-002), effective on May 1, 2010, was the effective permit at the time of the audit.

C. Findings of Violation

During the compliance audit on April 24-25, 2012 and documented in the accompanying compliance audit report, EPA observed the following violations of Broome Community College's SPDES permit (NYR20A302):

1. Part IV.A of the Permit which addresses Stormwater Management Programs ("SWMP") states that "covered entities must develop (*for newly authorized MS4s, implement*), [sic] and enforce a SWMP designed to reduce the discharge of pollutants from small MS4s to the maximum extent practicable ("MEP") in order to protect water quality and to satisfy the appropriate water quality requirements of the ECL and the CWA." Part IV.A of the Permit also states "covered entities under GP-0-08-002 must have prepared a SWMP plan documenting modifications to their SWMP." During the audit, the College stated that they developed a SWMP plan in January 2008, but had not updated it since that time. The College was authorized under GP-0-08-002 and did not prepare a SWMP plan documenting modifications to its SWMP since the time it was originally developed in January 2008. Therefore, BCC failed prepare a SWMP plan documenting modifications to its SWMP, in violation of Part IV.A.
2. Part IV.D of the Permit further states that "covered entities authorized under GP-0-08-002 shall continue to fully implement their SWMP, unless otherwise stated in this SPDES general permit." Section 2.5.5 of the College's SWMP states that vendors should be briefed on the College's stormwater prevention policies. Section 2.5.5 also states that the College has developed basic stormwater management procedures and provided them to service vendors who are expected to follow them. Table 2-2 of the SWMP further states that the basic stormwater management procedures would be delivered to vendors by January 2008. During the audit, College staff stated that the procedures for vendors included in the SWMP had not been distributed to College contractors or vendors. Therefore, BCC failed to implement its SWMP, in violation of Part IV.D of the Permit.
3. Part VIII.A.3.b of the Permit requires that the College "develop (*for newly authorized MS4s*) and maintain a map, at a minimum within the *covered* entity's jurisdiction in the *urbanized area* and *additionally designated* area." Part VIII.A.3.b.i states that the map must include the location of all outfalls and the names and location of all surface waters of the State that receive discharges from those outfalls. In addition, Part VIII.A.3.b.ii states that the preliminary boundaries of the College's storm sewersheds should have been determined using GIS or other tools by March 9, 2010. During the audit, the College provided a map which included the location of its outfalls, but the map did not identify the name and location of all surface waters that will receive discharges from its outfalls. In addition, the map provided by the College did not show the preliminary boundaries of the College's storm sewersheds. Therefore, BCC failed to identify receiving surface waters on its map and failed to determine the preliminary boundaries of the College's storm sewersheds, in violation of Part VIII.A.3.b of the Permit.
4. Part VIII.A.3.f.ii of the Permit requires the College to "prohibit and enforce against illicit discharges" through available mechanisms such as tenant lease agreements, bid specifications, requests for proposals, internal policies, etc.; develop procedures or policies for implementation and enforcement of the mechanisms; have a written directive from the person authorized to sign the Notice of Intent stating that updated mechanisms must be used and who is responsible for ensuring compliance with and enforcing the mechanisms for the College's program; and, the

mechanisms and directive must be equivalent to New York's model illicit discharge local law. During the audit, the EPA audit team reviewed the College's "Illicit Discharge Prohibition Policy" which is a component of the College's SWMP. The "Illicit Discharge Prohibition Policy" defines what constitutes an illicit discharge, explains why they are prohibited, and outlined the penalty of creating an illicit discharge on campus. However, during the audit, College staff explained that the policy referenced in the College's SWMP is only a policy issued by the College's Public Safety Office, and would only apply to individuals within the College Public Safety Office and not to the entire College community. Therefore, BCC failed to prohibit and enforce against illicit discharges for its MS4 through available mechanisms, develop policies and procedures for implementation of mechanisms, have a written directive stating that updated mechanisms must be used and identify who is responsible for ensuring compliance with and enforcing said mechanisms, and ensure that the mechanisms and directive are equivalent to New York's model illicit discharge law, in violation of Part VIII.A.3.f.ii of the Permit.

5. Part VIII.A.3.g of the Permit requires that the College "develop (*for newly authorized MS4s*) and implement a program to detect and address non-stormwater discharges, including illegal dumping, to the small MS4. The program must include: procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for the IDDE program; description of priority areas of concern, available equipment, staff, funding, etc.; procedures for identifying and locating illicit discharges (trackdown); procedures for eliminating illicit discharges; and procedures for documenting actions." In addition, Section 4 of the College's SWMP states that the College will undertake a comprehensive illicit discharge detection and elimination program ("IDDE") and outlined minimum steps that would be part of the program. The EPA audit team also requested copies of the College's procedures for field screening and IDDE procedures. During the audit, College staff stated that they did not have written procedures for conducting their quarterly storm drain inlet inspections, MS4 outfall inspections or procedures for IDDE. The College does do quarterly inspections of its storm drain inlets which are only documented if maintenance is needed. Review of the inspection form utilized indicates that only observations of storm drain inlets are recorded and observations of MS4 outfalls are not documented. Therefore, BCC failed to develop and implement a comprehensive program to detect and address non-stormwater discharges which includes procedures for identifying and locating illicit discharges, eliminating illicit discharges and procedures for documenting actions, in violation of Part VIII.A.3.g of the Permit and Section 4 of the College's SWMP.
6. Part VIII.A.6.a.ii of the Permit requires the College to perform and document a self assessment of all municipal operations to determine the sources of pollutants potentially generated by the covered entity's operations and facilities and identify the municipal operations and facilities that will be addressed by the pollution prevention and good housekeeping program. During the audit, College staff stated that no formal self-assessments of the College's facilities had been conducted or documented as required. Therefore, BCC failed to conduct and document self assessments of municipal operations as required, in violation of Part VIII.A.6.a.ii of the Permit.
7. Part VIII.A.6.a.vi of the Permit requires that the College develop (*for newly authorized MS4s*) and implement a pollution prevention / good housekeeping program for municipal operations and facilities that "includes an employee pollution prevention and good housekeeping training program and ensure that staff receive and utilize training." During the audit, College staff stated that the College had not developed or conducted stormwater-specific training for its staff, nor

had they developed a formal training program. In addition, Section 7.2.14 of the College's SWMP states that the College will develop fact sheets and/or general training materials to address pollution prevention/good housekeeping practices identified in the SWMP. The SWMP also stated that training would be provided by the College SWMP Coordinator. However, a timeframe for development and implementation of the training program was not specified in the SWMP. Therefore, BCC failed to develop an employee pollution prevention and good housekeeping training program, in violation of Part VIII.A.6.a.vi of the Permit and Section 7.2.14 of the College's SWMP.

8. Part VIII.6.a.vii of the Permit requires that the College's pollution prevention / good housekeeping program for municipal operations and facilities "requires third party entities performing contracted services, including but not limited to, street sweeping, snow removal, lawn / grounds care, etc., to make the necessary certification in Part IV.G." Part IV.G of the Permit states that "when a covered entity relies on a third party to develop or implement any portion of its SWMP, ... [t]he covered entity must, through a signed certification statement, contract or agreement provide adequate assurance that the third parties will comply with permit requirements applicable to the work performed by the third party." The Permit further specifies that the "certification statement, contract or agreement must: provide adequate assurance that the third party will comply with permit requirements; identify the activities that the third party entity will be responsible for and include the name and title of the person providing the signature; the name, address and telephone number of the third party entity; an identifying description of the location of the work performed; and, the date the certification statement, contract or other agreement is signed." During the audit, College staff stated that specific language regarding MS4 permit compliance is not included in contracts for contracted College operations. Therefore, BCC failed to provide adequate assurance that the third parties responsible for developing or implementing any portion of its SWMP Plan will comply with permit requirements applicable to the work performed by the third party, in violation of Part VIII.6.a.vii of the Permit.

D. Ordered Provisions

Based on the Findings of Violation set forth above, and pursuant to Section 309(a) of the CWA, 33 U.S.C. §1319(a), Broome Community College is hereby ORDERED to take the following actions:

1. Immediately upon receipt of the original copies of this Order, a responsible official of the Broome Community College shall complete and sign the acknowledgment of receipt of one of the originals of the Order and return said original to Chief, Water Compliance Branch, Division of Enforcement and Compliance Assistance, in the enclosed envelope, to the address listed below, in paragraph D.3.
2. BCC shall complete the following items in accordance with the schedule listed below:

<u>Item</u>	<u>Completion</u>
i. Immediately update, revise, and submit to EPA and NYSDEC, the College's Stormwater Management Program (SWMP) Plan which will address all of the requirements of GP-0-10-002 and document	May 31, 2013

	<p>modifications to the SWMP Plan, as required by Part IV.A of the Permit.</p> <p>SWMP Plan shall be fully implemented upon EPA approval.</p>	
ii.	Immediately update and revise the College's outfall map to include the names and locations of all surface waters of the State that receive discharges from those outfalls, as required by Part VIII.A.3.b.i of the Permit.	May 31, 2013
iii.	Immediately map, and submit to EPA, the preliminary boundaries of the storm sewersheds of the College's urbanized area, and any additionally designated area within the College's jurisdiction, as required by Part VIII.A.3.b.ii of the Permit.	May 31, 2013
iv.	Develop, adopt and enforce against illicit discharges throughout the College through available mechanisms and develop policies and procedures for such mechanisms, as required by Part VIII.A.3.f.ii of the Permit.	May 31, 2013
v.	Develop and submit to EPA and NYSDEC, a program to detect and address non-stormwater discharges, including illegal dumping to the College. The program must include: ... procedures for identifying and locating illicit discharges (trackdown); procedures for eliminating illicit discharges; and procedures for documenting actions, as required by Part VIII.A.3.g of the Permit. Program shall be implemented and enforced upon EPA approval.	May 31, 2013
vi.	Perform a self assessment of all municipal operations addressed by the SWMP to determine sources of pollutants and identify the municipal operations and facilities that will be addressed by the pollution prevention / good housekeeping program, as required by Part VIII.A.6.a.ii of the Permit.	March 31, 2013
vii.	Develop and submit to EPA and NYSDEC, an employee pollution prevention and good housekeeping training program that ensures employee training is provided to staff and utilized as required by Part VIII.A.6.a.vi of the Permit. Program shall be implemented upon EPA approval.	April 30, 2013
viii.	Develop and submit to EPA and NYSDEC, a plan to ensure that activities conducted by third party entities will be done in a manner ensuring compliance with the permit requirements applicable to the work performed by the third party, as required by Part VIII.A.6.vii of the Permit. The plan should include an example certification statement, contract or agreement that the College will utilize to ensure that contracted services provided by	April 30, 2013

third party entities that will impact the College's MS4 will be performed in a manner ensuring compliance with the College's MS4 requirements. Plan shall be implemented upon EPA approval.	
ix. Submit a written response to EPA and NYSDEC regarding deficiencies identified in Section 2.5.1 of the Audit Report; the College may also include any questions or comments regarding other findings of the report.	April 30, 2013
x. Submit bi-monthly progress reports to EPA and NYSDEC outlining all activities undertaken and costs associated with compliance with this Order until final compliance is achieved.	March 31, 2013 May 31, 2013

3. All submissions required by this Order shall be sent to:

Douglas McKenna, Chief
Water Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency, Region 2
290 Broadway, 20th Floor
New York, NY 10007

With a copy mailed to:

Joseph Zalewski, Regional Water Engineer
NYSDEC Region 7 Office
615 Erie Boulevard West
Syracuse, NY 13204

E. General Provisions

1. Any documents to be submitted by Broome Community College as part of this Order shall be sent by certified mail or its equivalent and shall be signed by an authorized representative of the respective entity (see 40 CFR §122.22), and shall include the following certification:

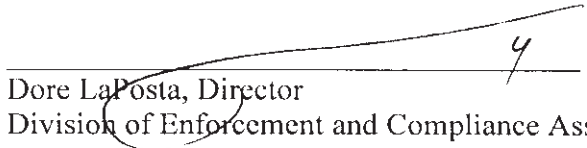
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. *I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*"

2. Broome Community College shall have the opportunity, for a period of twenty (20) days from the date of receipt of this Order, to confer, regarding the Ordered Provisions, with the following designated Agency representative:

Douglas McKenna, Chief
Water Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway - 20th floor
New York, NY 10007-1866
(212) 637-4244

3. Broome Community College may seek federal judicial review of the CWA Section 309(a)(3) Compliance Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§701-706.
4. This Order does not constitute a waiver from compliance with, or a modification of, the effective terms and conditions of the CWA, its implementing regulations, or any applicable permit, which remain in full force and effect. This Order is an enforcement action taken by EPA to ensure swift compliance with the CWA. Issuance of this Order shall not be deemed an election by EPA to forego any civil or criminal actions for penalties, fines, imprisonment, or other appropriate relief under the CWA.
5. Notice is hereby given that failure to comply with the terms of the CWA Section 309(a)(3) Compliance Order may result in your liability for civil penalties for each violation of up to \$37,500.00 per day under Section 309(d) of the CWA, 33 U.S.C. §1319(d), as modified by 40 C.F.R., Part 19. Upon suit by EPA, the United States District Court may impose such penalties if, after notice and opportunity for hearing, the Court determines that you have violated the CWA as described above and failed to comply with the terms of the Compliance Order. The District Court has the authority to impose separate civil penalties for any violations of the CWA and for any violations of the Compliance Order.
6. If any provision of this Order is held by a court of competent jurisdiction to be invalid, any surviving provisions shall remain in full force and effect.
7. This Order shall become effective upon the date of execution by the Director, Division of Enforcement and Compliance Assistance.

January 29, 2013
Date


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

Broome Community College
907 Upper Front Street #1
Binghamton, NY 13905

Respondent

Proceeding pursuant to §309(a) of the Clean Water
Act, 33 U.S.C. §1319(a)

**ADMINISTRATIVE
COMPLIANCE ORDER**

CWA-02-2013-3014

**ACKNOWLEDGMENT OF RECEIPT OF
ADMINISTRATIVE COMPLIANCE ORDER**

I, _____, an official with Broome Community College with the title
of,

_____, do hereby acknowledge the receipt of a copy of the

ADMINISTRATIVE COMPLIANCE ORDER, Broome Community College, CWA-02-2013-3014.

DATE: _____

SIGNED: _____



United States Environmental Protection Agency
Washington, D.C. 20460

Water Compliance Inspection Report

Section A: National Data System Coding (i.e., PCS)

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input type="checkbox"/> 13 <input type="checkbox"/> 14 <input type="checkbox"/> 15 <input type="checkbox"/> 16 <input type="checkbox"/> 17 <input type="checkbox"/> 18 <input type="checkbox"/> 19 <input type="checkbox"/> 20 <input type="checkbox"/> 21 <input type="checkbox"/> 22 <input type="checkbox"/> 23 <input type="checkbox"/> 24 <input type="checkbox"/> 25 <input type="checkbox"/> 26 <input type="checkbox"/> 27 <input type="checkbox"/> 28 <input type="checkbox"/> 29 <input type="checkbox"/> 30 <input type="checkbox"/> 31 <input type="checkbox"/> 32 <input type="checkbox"/> 33 <input type="checkbox"/> 34 <input type="checkbox"/> 35 <input type="checkbox"/> 36 <input type="checkbox"/> 37 <input type="checkbox"/> 38 <input type="checkbox"/> 39 <input type="checkbox"/> 40 <input type="checkbox"/> 41 <input type="checkbox"/> 42 <input type="checkbox"/> 43 <input type="checkbox"/> 44 <input type="checkbox"/> 45 <input type="checkbox"/> 46 <input type="checkbox"/> 47 <input type="checkbox"/> 48 <input type="checkbox"/> 49 <input type="checkbox"/> 50 <input type="checkbox"/> 51 <input type="checkbox"/> 52 <input type="checkbox"/> 53 <input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56 <input type="checkbox"/> 57 <input type="checkbox"/> 58 <input type="checkbox"/> 59 <input type="checkbox"/> 60 <input type="checkbox"/> 61 <input type="checkbox"/> 62 <input type="checkbox"/> 63 <input type="checkbox"/> 64 <input type="checkbox"/> 65 <input type="checkbox"/> 66 <input type="checkbox"/> 67 <input type="checkbox"/> 68 <input type="checkbox"/> 69 <input type="checkbox"/> 70 <input type="checkbox"/> 71 <input type="checkbox"/> 72 <input type="checkbox"/> 73 <input type="checkbox"/> 74 <input type="checkbox"/> 75 <input type="checkbox"/> 76 <input type="checkbox"/> 77 <input type="checkbox"/> 78 <input type="checkbox"/> 79 <input type="checkbox"/> 80 <input type="checkbox"/>					

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number)

BROOME COMMUNITY COLLEGE
907 Upper Front Street #1
BINGHAMTON, NY 13905

Entry Time/Date

4/24/2012

Permit Effective Date

5/1/10

Exit Time/Date

4/25/2012

Permit Expiration Date

4/30/15

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)

Joe O'Connor, Chief, Office of Public Safety
John Ruck, Asst. Chief, Office of Public Safety
Rick Armstrong, Director of Operations

Other Facility Data (e.g., SIC NAICS, and other descriptive information)

Name, Address of Responsible Official/Title/Phone and Fax Number

Joe O'Connor, Chief of Public Safety
(607) 778-5000

Contacted

☒ Yes ☐ No

Section C: Areas Evaluated During Inspection (Check only those areas evaluated)

<input type="checkbox"/> Permit	<input type="checkbox"/> Self-Monitoring Program	<input checked="" type="checkbox"/> Pretreatment	<input checked="" type="checkbox"/> MS4
<input type="checkbox"/> Records/Reports	<input type="checkbox"/> Compliance Schedules	<input type="checkbox"/> Pollution Prevention	
<input checked="" type="checkbox"/> Facility Site Review	<input type="checkbox"/> Laboratory	<input type="checkbox"/> Storm Water	
<input type="checkbox"/> Effluent/Receiving Waters	<input type="checkbox"/> Operations & Maintenance	<input type="checkbox"/> Combined Sewer Overflow	
<input type="checkbox"/> Flow Measurement	<input type="checkbox"/> Sludge Handling/Disposal	<input type="checkbox"/> Sanitary Sewer Overflow	

Section D: Summary of Findings/Comments

(Attach additional sheets of narrative and checklists, including Single Event Violation codes, as necessary)

SEV Codes

SEV Description

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

See attached
MS4 audit report

Name(s) and Signature(s) of Inspector(s)

Christy Anzura Christy Anzura

Agency/Office/Phone and Fax Numbers

USEPA 212/637-3961

Date

1/22/2013

Signature of Management O A Reviewer

[Signature]

Agency/Office/Phone and Fax Numbers

EPA 212-637-4244

Date

1/30/13



U.S. Environmental Protection Agency
Office of Compliance and Enforcement
1200 Pennsylvania Avenue, NW
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**MUNICIPAL SEPARATE STORM
SEWER SYSTEM (MS4)
COMPLIANCE AUDIT**

**BROOME COMMUNITY COLLEGE
BINGHAMTON, NEW YORK**

AUDIT REPORT

**Audit Dates:
April 24–25, 2012**

**Report Date:
July 30, 2012**

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Section 1.0 Introduction

On April 24–25, 2012, the U.S. Environmental Protection Agency (EPA) Region 2, and an EPA contractor, PG Environmental, LLC (hereinafter, collectively, the EPA Audit Team) conducted an audit of the Municipal Separate Storm Sewer System (MS4) Program of Broome Community College, New York (hereinafter, College). The College submitted a Notice of Intent (NOI), on March 4, 2003 for coverage under the *State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems*, SPDES Permit No. GP-02-02. The College subsequently received coverage from New York State Department of Environmental Conservation (NYSDEC) under the SPDES General Permit (GP-02-02) (NYR20A387), which became effective January 8, 2003 and expired on January 8, 2008. Permit coverage remained in full force and effect and was automatically carried over upon the reissuance of SPDES General Permit (GP-08-002), which became effective on May 1, 2008 and expired on April 30, 2010. Upon expiration of GP-08-002, permit coverage was automatically carried over to the current permit and discharges from the College's MS4 are currently regulated under NYSDEC *SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems*, Permit No. GP-0-10-002 (SPDES ID No. NYR20A302; hereinafter, the Permit), which became effective on May 1, 2010 and expires on April 30, 2015. A copy of the Permit is included as Appendix A.

Part IV.A of the Permit requires the College to “develop, implement, and enforce a SWMP [stormwater management program] designed to reduce the discharge of pollutants from small MS4s to the maximum extent practicable.” According to the College Chief of Public Safety, in 2006–2007 a self-audit of State University of New York (SUNY) schools covering all environmental programs was conducted by the consultant Woodard and Curran. The College was one of the participants in the self-audit. One of the outcomes of the self-audit was the development of a SWMP by the same consultant, Woodard and Curran. A copy of this SWMP, dated January 2008, is included as Appendix B.

According to the Broome Community College website (www.sunybroome.edu), the total enrollment of the College is about 6,734 students (4,432 full-time students and 2,302 part-time students). The College also has a total of about 421 teaching staff (147 full-time and 274 part-time) and 317 support staff/administration (238 full-time and 79 part-time). The College is located in the Greater Binghamton area, about 3 miles north of the city of Binghamton and 70 miles southeast of Syracuse. The College offers numerous associate degrees in arts, science, and applied science. The campus consists of about 15 buildings, as well as several athletic fields. There is no student housing on campus.

The Permit authorizes the College to discharge stormwater runoff and certain non-stormwater discharges from the College's small MS4 to waters of the United States. Based on discussions with College staff, the Chenango River and Cutler Pond are the primary receiving waters within the College. In addition, the College's MS4 discharges directly to the NYSDOT MS4.

The audit focused on four of the Minimum Control Measures (MCMs) described in Part VIII of the Permit as follows:

- MCM 3 Illicit Discharge Detection and Elimination (IDDE)
- MCM 4 Construction Site Stormwater Runoff Control
- MCM 5 Post-Construction Stormwater Management
- MCM 6 Pollution Prevention/Good Housekeeping for Municipal Operations.

The purpose of the audit was to obtain information that will assist EPA in assessing the College's compliance with the requirements of the Permit and associated SWMP, as well as the implementation status of the current MS4 Program. The audit schedule is presented as Appendix C.

The EPA Audit Team obtained information through a series of interviews with representatives from the College's Public Safety Office, along with a series of site visits, record reviews, and field verification activities.

Intermittent rainfall was experienced during the audit field activities. Weather history reports¹ indicate that about 0.02 inch of rain and a trace amount of snow fell on April 24, 2012, and about 0.01 inch of rain fell on April 25, 2012.

The primary representatives involved in the audit were the following:

Broome Community College MS4 Program Compliance Audit: April 24–25, 2012	
Broome Community College Representatives:	Joe O'Connor, Chief, Office of Public Safety John Ruck, Assistant Chief, Office of Public Safety Rick Armstrong, Director of Operations
NYSDEC Representative:	Julie Melancon, Environmental Program Specialist, Region 7
EPA Representative:	Christy Arvizu, EPA Region 2
EPA Contractors:	Bobby Jacobsen, PG Environmental, LLC Katie Bradshaw, PG Environmental, LLC

¹ Precipitation data from the "Binghamton Airport" weather station in Johnson City, NY, found online at <www.wunderground.com>.

Section 2.0 Information Obtained Regarding Compliance with the Permit

The EPA Audit Team conducted an evaluation of the College's MS4 Program to obtain information that will assist EPA in assessing the College's compliance with the requirements of the Permit.

Prior to the audit, the EPA Audit Team formally requested that the College have specific documentation available for review at the time of the audit. The EPA Audit Team provided the College with a written list of requested records on March 23, 2012 (hereinafter, EPA Records Request; see Appendix D, Exhibit 1). In response, the College made multiple documents containing information pertinent to the EPA Records Request available during the audit. The EPA Records Request is referenced, as applicable, throughout this audit report.

During the audit, the EPA Audit Team obtained documentation and other supporting evidence regarding compliance with the Permit and the College's implementation of its SWMP. Pertinent information obtained during the evaluation is presented in this audit report as audit observations. The presentation of audit observations in this report does not constitute a formal compliance determination or notice of violation, but rather identifies areas of potential non-compliance. All referenced documentation used as supporting evidence is provided in Appendix D, the Exhibit Log; photo documentation is provided in Appendix E, the Photograph Log.

Table 1 provides a summary of the EPA Audit Team's overall audit observations. Descriptions and details regarding the audit observations, as well as supporting documentation, are provided in the applicable sections of the MS4 audit report.

Table 1. Requirements of the College's NPDES Permit (GP-0-10-002; SPDES ID No. NYR20A302) and Potential Non-compliance Identified by the EPA Audit Team

Minimum Control Measures and Permit Requirements	Potential Non-compliance
<p>SWMP and Measureable Goals</p> <p>Part IV.A of the Permit requires the College to develop and implement a SWMP, including a plan to document the developed, planned, and implemented elements of the SWMP.</p> <p>See Section 2.1.1 of the audit report for the specific permit references for each item of potential non-compliance.</p>	<ol style="list-style-type: none"> 1. The College had not updated its SWMP since its development in January 2008. As a result, the College SWMP was not fully consistent with the requirements of the Permit (Section 2.1.1). <p>See the referenced section of the audit report for further discussion of these issues.</p>
<p>Illicit Discharge Detection and Elimination</p> <p>Part VIII.A.3.a of the Permit requires the College to "[d]evelop (for newly authorized MS4s), implement and enforce a program to detect and eliminate illicit discharges (as defined at 40 CFR 122.26(b)(2)) into the small MS4."</p> <p>See Sections 2.2.1 through 2.2.3 of the audit report for the specific permit references for each item of potential non-compliance.</p>	<ol style="list-style-type: none"> 1. The College had not identified surface waters which receive discharges from the MS4 and the preliminary boundaries of its storm sewersheds on its storm sewer system map (Section 2.2.1). 2. The College had not developed and adopted an enforceable mechanism to prohibit illicit discharges into its MS4 (Section 2.2.2). 3. The College had not developed procedures for identifying, locating, and eliminating illicit discharges and had not documented the occurrence of all outfall screening activities conducted by College staff (Section 2.2.3). <p>See the referenced sections of the audit report for further discussion of these issues.</p>
<p>Construction Site Stormwater Runoff Control</p> <p>Part VIII.A.4 of the Permit requires the College to develop (for newly authorized MS4s), implement, and enforce a program to address stormwater runoff from construction sites that satisfies the requirements at Part VIII.A.4.a.i–x of the Permit.</p>	<p>The College Director of Operations explained that no construction greater than one acre had taken place at the College since the 1990s and there were no active construction projects at the time of the audit.</p> <p>See the Section 2.3 of the audit report for further discussion of Construction Site Stormwater Runoff Control.</p>
<p>Post-construction Stormwater Management</p> <p>Part VIII.A.5 of the Permit requires the College to develop, implement, and enforce a program to address post-construction stormwater management that satisfies the requirements at Part VIII.A.5.a–d of the Permit.</p>	<p>The College Director of Operations explained that there were no post-construction stormwater management features on campus at the time of the audit.</p> <p>See Section 2.4 of the audit report for further discussion of Post-construction Stormwater Management.</p>
<p>Pollution Prevention and Good Housekeeping for Municipal Operations</p> <p>Part VIII.A.6.a of the Permit requires the</p>	<ol style="list-style-type: none"> 1. During site visits conducted as a component of the audit, the EPA Audit Team noted several deficiencies at the Campus Services Facility (Section 2.5.1). 2. The College had not performed and documented a self-

Minimum Control Measures and Permit Requirements	Potential Non-compliance
<p>College to “[d]evelop (for newly authorized MS4s) and implement a pollution prevention / good housekeeping program for municipal operations and facilities” that satisfies the requirements at Part VIII.A.6.a–e of the Permit.</p> <p>See Sections 2.5.1 through 2.5.5 of the audit report for the specific permit references for each item of potential non-compliance.</p>	<p>assessment for its College operations and facilities (Section 2.5.2).</p> <ol style="list-style-type: none">3. The College had not developed a pollution prevention and good housekeeping training program for its employees (Section 2.5.3).4. The College had not required third party entities performing contracted services to make the necessary certification regarding MS4 Permit compliance (Section 2.5.4).5. The College had not distributed educational information to onsite contractors or vendors as specified in the College SWMP (Section 2.5.5). <p>See the referenced sections of the audit report for further discussion of these issues.</p>

Section 2.1 SWMP and Measureable Goals

Part IV.A of the Permit requires the College to develop and implement a SWMP, including a plan to document the developed, planned, and implemented elements of the SWMP. A copy of the SWMP is included as Appendix B.

2.1.1. The College had not updated its SWMP since 2008.

As stated above, on March 4, 2003 the College submitted its original NOI for coverage under MS4 General Permit No. GP-02-02, and currently maintains coverage under MS4 General Permit No. GP-0-10-002. The former permit required the College to develop and implement a SWMP Plan (hereinafter, College SWMP). Part V.A of the current Permit requires the College to “conduct an annual evaluation of its program compliance, the appropriateness of its identified BMPs [best management practices], meeting new permit requirements, and progress towards achieving its identified measurable goals, which must include reducing the discharge of pollutants to the MEP [maximum extent practicable].”

According to the College Chief of Public Safety and as indicated on the College SWMP document provided to the EPA Audit Team, the College had not updated its SWMP since its development in January 2008. As a result, the College SWMP was not fully consistent with the requirements of the Permit, which took effect May 1, 2010. For example, Part VIII.A.6.a.ii of the Permit requires that the College conduct a self-assessment of its operations, yet this requirement has not been incorporated into the College SWMP. Subsequent to the audit activity, the EPA Audit Team reviewed the College’s SWMP Plan. The results of this review are referenced in program observations below, as applicable.

Section 2.2 Illicit Discharge Detection and Elimination

Part VIII.A.3.a of the Permit requires the College to “[d]evelop (for newly authorized MS4s), implement and enforce a program to detect and eliminate illicit discharges (as defined at 40 CFR 122.26(b)(2)) into the small MS4.” In addition to the Permit requirements identified in the findings below, the College is subject to the following Permit requirements not directly associated with findings in this report.

- Part VIII.A.3.c of the Permit requires the College to “[f]ield verify outfall locations.”
- Part VIII.A.3.d of the Permit requires the College to “[c]onduct an outfall reconnaissance inventory, as described in the EPA publication entitled *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment*, addressing every outfall within the urbanized area and additionally designated area within the covered entity’s jurisdiction at least once every five years, with reasonable progress each year.”
- Part VIII.A.3.e of the Permit requires the College to “[m]ap new outfalls as they are constructed or discovered within the urbanized area or additionally designated area.”
- Part VIII.A.3.h of the Permit requires the College to “[i]nform the public of the hazards associated with illegal discharges and the improper disposal of waste.”

2.2.1. The College had not identified surface waters which receive discharges from the MS4 and the preliminary boundaries of its storm sewersheds on its storm sewer system map.

Part VIII.A.3.b.i of the Permit requires the College’s map of its MS4 to include “all outfalls and the names and location of all surface waters of the State that receive discharges from those outfalls.” Based on review of the College’s map of its MS4, the map did not identify the name and location of all surface waters that receive discharges from the MS4 (e.g. Chenango River).

In addition, Part VIII.A.3.b.ii of the Permit required the College to include the boundaries of its storm sewersheds on its map by March 9, 2010. Part X of the Permit defines a storm sewer shed as, “the catchment area that drains into the storm sewer system based on the surface topography in the area served by the storm sewer. Adjacent catchment areas that drain to adjacent outfalls are not separate storm sewersheds.” Though the College’s map of its MS4 includes storm sewer outfalls, it does not identify the boundaries of the storm sewersheds for its system.

2.2.2. The College had not developed and adopted an enforceable mechanism to prohibit illicit discharges into its MS4.

Part VIII.A.3.f.ii of the Permit requires the College to “[p]rohibit and enforce against illicit discharges through available mechanisms...”

The EPA Audit Team formally requested “[r]egulatory mechanism(s) prohibiting non-stormwater discharges to the MS4.” In response, the College provided a copy of its “Illicit Storm Water Discharge Policy,” which was a component of the College SWMP. Section 4.4.1, *Develop Illicit Discharge Prohibition Policy*, of the College SWMP states that “[t]he policy defines what constitutes an illicit discharge, explains why they are prohibited, and outlines the penalty for creating one on campus.”

The College Chief of Public Safety and College Assistant Chief of Public Safety explained during the onsite portion of the audit that the College’s Illicit Storm Water Discharge Policy is only a Public Safety Office policy, and therefore would only apply to individuals within the Public Safety Office. The Illicit Storm Water Discharge Policy had not been incorporated into the “University Policies and Procedures Manual,” or the “Student Code of Conduct,” which would apply to the entire college community. As a result, it was unclear to the EPA Audit Team how the College would be able to conduct enforcement of the Illicit Storm Water Discharge Policy.

Because of the issues related to enforceability of the policy described above, it appeared to the EPA Audit Team that the Office of Public Safety’s Illicit Storm Water Discharge Policy would have to be incorporated into an overall College policy (e.g., University Policies and Procedures Manual and/or Student Code of Conduct) for the policy to be enforceable throughout the entire College community.

2.2.3. The College had not developed procedures for identifying, locating, and eliminating illicit discharges and had not documented the occurrence of all outfall screening activities conducted by College staff.

Part VIII.A.3.g of the Permit requires the College to do the following:

Develop (for newly authorized MS4s) and implement a program to detect and address non-stormwater discharges, including illegal dumping, to the small MS4. The program must include: procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for IDDE program; description of priority areas of concern, available equipment, staff, funding, etc.; procedures for identifying and locating illicit discharges (trackdown); procedures for eliminating illicit discharges; and procedures for documenting actions.

In addition, Section 4.4.3, *Identify and Address Potential or Actual Illicit Discharges*, of the College SWMP states that the College will do the following:

BCC will undertake a comprehensive illicit discharge detection and elimination program which will include the following steps, at a minimum:

1. Investigate areas of known or suspected non-storm water discharges as described above, and any additional ones that may be identified, and take actions to redirect and/or eliminate those that are connected to the storm drain system
2. Perform inspection of the storm water outfalls and storm drain manholes during dry weather periods. If dry weather flows are observed, samples may be collected to determine the source. If necessary, dye testing and/or smoke testing could be used to confirm suspected connections.

The EPA Audit Team formally requested “[w]ritten procedures for field screening outfalls and procedures for IDDE [illicit discharge detection and elimination];” however, the College did not provide the requested information.

According to the College Assistant Chief of Public Safety, inspections of storm drain inlets are conducted quarterly to identify debris accumulation and potential flooding threats on the campus. Findings of the inspections are only documented if the storm drain inlets need maintenance, otherwise only a notation that the storm drain was checked is made. The College Chief of Public Safety explained that he believes the Safety Officer responsible for conducting the storm drain inlet inspections also views the MS4 outfalls during his activities; however, the form used to document the storm drain inlet inspections does not indicate observations of MS4 outfalls. An example of these storm drain inspection lists for March 2012 is provided in Appendix D, Exhibit 2.

The College had no written procedures for conducting storm drain inlet inspections, MS4 outfall inspections, or procedures for illicit discharge detection and elimination.

In summary, the College did not demonstrate to the EPA Audit Team that it had developed a structured program for IDDE. Specifically, the program should include established schedules and frequencies of activities, procedures for documenting and tracking activities, and measureable goals for assessing implementation of the IDDE program.

Section 2.3 Construction Site Stormwater Runoff Control

Part VIII.A.4 of the Permit requires the College to develop (for newly authorized MS4s), implement, and enforce a program to address stormwater runoff from construction sites that satisfies the requirements at Part VIII.A.4.a.i–x of the Permit. The College is subject to the following Permit requirements not directly associated with findings in this report.

- Part VIII.A.4.a.i of the Permit requires the College to develop implement and enforce a program that “provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities, unless more stringent requirements are contained within this SPDES general permit.”
- Part VIII.A.4.a.ii of the Permit requires the College to develop implement and enforce a program that “addresses stormwater runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Control of stormwater discharges from construction activity disturbing less than one acre must be included in the program if: that construction activity is part of a larger common plan of development or sale that would disturb one acre or more; or if controlling such activities in a particular watershed is required by the Department.”
- Part VIII.A.4.a.iii of the Permit requires the College to develop implement and enforce a program that “incorporates mechanisms for construction runoff requirements from new development and redevelopment projects to the extent allowable under State and local law that meet the State’s most current technical standards: through available mechanisms (ie. tenant lease agreements, bid specifications, requests for proposals, standard contract provisions, connection permits, maintenance directives / BMPs, access permits, consultant agreements, internal policies); procedures or policies must be developed for implementation and enforcement of the mechanisms; a written directive from the person authorized to sign the NOI stating that updated mechanisms must be used and who (position(s)) is responsible for ensuring compliance with and enforcing the mechanisms for construction projects that occur on property owned, under easement to, within the right-of-way of, or under the maintenance jurisdiction by the covered entity or within the maintenance jurisdiction of the MS4; and the mechanisms and directive must be equivalent to the to the requirements of the NYS SPDES General Permit for Stormwater Discharges from Construction Activities.
- Part VIII.A.4.a.iv of the Permit requires the College to develop implement and enforce a program that “allows for sanctions to ensure compliance to the extent allowable by State law.”
- Part VIII.A.4.a.v of the Permit requires the College to develop implement and enforce a program that “describes procedures for receipt and follow up on complaints or other information submitted by the public regarding construction site stormwater runoff.”
- Part VIII.A.4.a.vi of the Permit requires the College to develop implement and enforce a program that “educates construction site operators, design engineers, municipal staff and other individuals to whom these regulations apply about the

- construction requirements in the covered entity's jurisdiction, including the procedures for submission of SWPPPs, construction site inspections, and other procedures associated with control of construction stormwater."
- Part VIII.A.4.a.vii of the Permit requires the College to develop implement and enforce a program that "Ensures that construction site contractors have received erosion and sediment control training, including the trained contractors as defined in the SPDES general permit for construction, before they do work within the covered entity's jurisdiction: training may be provided by the Department or other qualified entities (such as Soil and Water Conservation Districts); the covered entity is not expected to perform such training, but they may co-sponsor training for construction site operators in their area; the covered entity may ask for a certificate of completion or other such proof of training; and the covered entity may provide notice of upcoming sediment and erosion control training by posting in the building department or distribute with building permit application.
 - Part VIII.A.4.a.viii of the Permit requires the College to develop implement and enforce a program that "establishes and maintains an inventory of active construction sites, including the location of the site, owner / operator contact information."
 - Part VIII.A.4.a.ix of the Permit requires the College to develop implement and enforce a program that "develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals; and select and implement appropriate construction stormwater BMPs and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP."

During the audit, the EPA Audit Team discussed the College's construction stormwater program with the College Director of Operations. He explained that no construction greater than one acre had taken place at the College since the 1990s. There were no active construction projects at the time of the audit.

College staff explained that the construction of a new Science Building is scheduled to begin in May or June 2012. The project will cause greater than one acre of disturbance and will require coverage under the NYSDEC *SPDES General Permit for Stormwater Discharges from Construction Activities*.

The EPA Audit Team reviewed the requirements of the construction site stormwater runoff control section of the College SWMP with College staff and stressed the importance of implementing its construction site stormwater runoff control program in accordance with the SWMP.

Section 2.4 Post-construction Stormwater Management

Part VIII.A.5 of the Permit requires the College to develop, implement, and enforce a program to address post-construction stormwater management that satisfies the requirements at Part VIII.A.5.a–d of the Permit. The College is subject to the following Permit requirements not directly associated with findings in this report.

- Part VIII.A.5.a.i of the Permit requires the College to develop, implement, and enforce a program that “provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities, unless more stringent requirements are contained within this SPDES general permit.”
- Part VIII.A.5.a.ii of the Permit requires the College to develop, implement, and enforce a program that “addresses stormwater runoff from new development and redevelopment projects to the small MS4 from projects that result in a land disturbance of greater than or equal to one acre. Control of stormwater discharges from projects of less than one acre must be included in the program if: that project is part of a larger common plan of development or sale; if controlling such activities in a particular watershed is required by the Department.”
- Part VIII.A.5.a.iii of the Permit requires the College to develop, implement, and enforce a program that “incorporates enforceable mechanisms for post-construction runoff control from new development and re-development projects to the extent allowable under State or local law that meet the State’s most current technical standards: through available mechanisms (i.e. tenant lease agreements, bid specifications, requests for proposals, standard contract provisions, connection permits, maintenance directives / BMPS, access permits, consultant agreements, internal policies); procedures or policies must be developed for implementation and enforcement of the mechanisms; a written directive from the person authorized to sign the NOI stating that updated mechanisms must be used and who (position(s)) is responsible for ensuring compliance with and enforcing the mechanisms for construction projects that occur on property owned by the covered entity or within the maintenance jurisdiction of the MS4; and the mechanisms and directive must assure compliance with the requirements of the NYS SPDES General Permit for Stormwater Discharges from Construction Activities.”
- Part VIII.A.5.a.iv of the Permit requires the College to develop, implement, and enforce a program that “includes a combination of structural or non-structural management practices (according to standards defined in the most current version of the NYS Stormwater management Design Manual) that will reduce the discharge of pollutants to the MEP. In the development of environmental plans such as watershed plans, open space preservation programs, local laws, and ordinances covered entities must incorporate principles of Low Impact Development (LID), Better Site Design (BSD) and other Green Infrastructure practices to the MEP. Covered entities must consider natural resource protection, impervious area reduction, maintaining natural hydrologic condition in developments, buffers or set back distances for protection of environmentally sensitive areas such as streams, wetlands, and erodible soils in the development of

- environmental plans. If a stormwater management practice is designed and installed in accordance with the New York State Stormwater Management Design Manual or has been demonstrated to be equivalent and is properly operated and maintained, then MEP will be assumed to be met for the post construction stormwater discharged by the practice.”
- Part VIII.A.5.a.v of the Permit requires the College to develop, implement, and enforce a program that “establish and maintain an inventory of post-construction stormwater management practices to include at a minimum practices discharging to the small MS4 that have been installed since March 10, 2003, those owned by the small MS4, and those found to cause water quality standard violations. The inventory shall include, at a minimum: location of practice (street address or coordinates); type of practice; maintenance needed per the NYS Stormwater Management Design Manual, SWPPP, or other provided documentation; and dates and type of maintenance performed.”
 - Part VIII.A.5.a.vi of the Permit requires the College to develop, implement, and enforce a program that “ensures adequate long-term operation and maintenance of management practices by trained staff, including assessment to ensure that the practices are performing properly. The assessment shall include the inspection items identified in the maintenance requirements (NYS Stormwater Management Design Manual, SWPPP, or other maintenance information) for the practice. Covered entities are not required to collect stormwater samples and perform specific chemical Analysis.”
 - Part VIII.A.5.a.vii of the Permit requires the College to develop, implement, and enforce a program that “Covered entities may include in the SWMP Plan provisions for development of a banking and credit system. MS4s must have an existing watershed plan based on which offsite alternative stormwater management in lieu of or in addition to on-site stormwater management practices are evaluated. Redevelopment projects must be evaluated for pollutant reduction greater than required treatment by the state standards. The individual project must be reviewed and approved by the Department. Use of a banking and credit system for new development is only acceptable in the impaired watersheds to achieve the no net increase requirement and watershed improvement strategy areas to achieve pollutant reductions in accordance with watershed plan load reduction goals. A banking and credit system must at minimum include: - Ensures offset exceeds standard reduction by factor of at least 2; Offset is implemented within the same watershed; Proposed offset addresses the POC of the watershed; Tracking system is established for the watershed; Mitigation is applied for retrofit or redevelopment; Offset project is completed prior to beginning the proposed construction; A legal mechanism is established to implement the banking and credit system.”
 - Part VIII.A.5.b of the Permit requires the College to “[d]evelop (for newly authorized MS4s), implement, and provide adequate resources for a program to inspect development and re-development sites by trained staff and to enforce and employ sanctions.”

- Part VIII.A.5.c of the Permit requires the College to “[d]evelop (for newly authorized MS4s), record, annually assess and modify as needed measurable goals.”
- Part VIII.A.5.d of the Permit requires the College to “[s]elect and implement appropriate post-construction stormwater BMPs and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP.”

During the audit, the EPA Audit Team discussed the College’s post-construction stormwater program with the College Director of Operations. He explained that no construction greater than one acre had taken place at the College since the 1990s, and as a result, there were no post-construction stormwater management features on campus at the time of the audit.

The construction of a new Science Building is scheduled to begin in May or June 2012, that will cause greater than once acre of disturbance. The plans for the building include the construction of three stormwater basins and porous pavement.

The EPA Audit Team reviewed the post-construction stormwater management section of the College SWMP with College staff and stressed the importance of ensuring long-term operation and maintenance of post-construction stormwater management controls.

Section 2.5 Pollution Prevention and Good Housekeeping for Municipal Operations

Part VIII.A.6.a of the Permit requires the College to “[d]evelop (for newly authorized MS4s) and implement a pollution prevention / good housekeeping program for municipal operations and facilities” that satisfies the requirements at Part VIII.A.6.a–e of the Permit. In addition to the Permit requirements identified in the findings below, the College is subject to the following Permit requirements not directly associated with findings in this report.

- Part VIII.A.6.a.iii of the Permit requires the College to develop and implement a program that “determines management practices, policies, procedures, etc. that will be developed and implemented to reduce or prevent the discharge of (potential) pollutants. Refer to management practices identified in the “NYS Pollution Prevention and Good Housekeeping Assistance Document” or other guidance materials available from the EPA, the State, or other organizations.”
- Part VIII.A.6.a.iv of the Permit requires the College to develop and implement a program that “prioritizes pollution prevention and good housekeeping efforts based on geographic area, potential to improve water quality, facilities or operations most in need of modification or improvement, and covered entity’s capabilities.”
- Part VIII.A.6.a.v of the Permit requires the College to develop and implement a program that “addresses pollution prevention and good housekeeping priorities.”

2.5.1. Municipal operations and maintenance site visits. On April 24, 2012, the EPA Audit Team conducted a site visit at the Campus Services Facility. The purpose of the site visit was to document site conditions and assess the College’s oversight activities for municipal operations and maintenance. Due to their relevance to the College’s obligations under its MS4 permit, summary observations pertaining to the site visit are presented below. All referenced exhibits are contained in Appendix D, Exhibit Log, and photographs are contained in Appendix E, Photograph Log.

Campus Services Facility—Southwest Portion of Campus off of South College Drive, Binghamton, New York

The Campus Services Facility, owned and operated by the College, is used for various operational and maintenance activities associated with the College MS4, including the following: (1) vehicle and equipment storage, (2) vehicle and equipment maintenance, (3) materials storage (roadway salt and sand), and (4) vehicle and equipment washing. A Stormwater Pollution Prevention Plan (SWPPP) had not been developed for the facility. The facility consists of one building with vehicle maintenance bays and wash bays and one covered structure that is used for the storage of roadway salt and sand storage as well as equipment.

The EPA Audit Team observed the following with regard to pollution prevention and good housekeeping at the Campus Services Facility:

- Salt was observed on the ground outside of the bulk salt storage building located on the southwestern side of the Campus Services Facility in an area upgradient of a storm drain inlet (see Appendix E, Photographs 1, 2, and 3). Salt had migrated under and around a wall on the side of the salt storage building.
- College staff explained that street sweeping of the College roadways is conducted by the town of Dickinson two times per year. According to College Public Safety staff, the street sweeping waste material is disposed in a gravel parking lot located along Lieutenant Vanwinkle Drive, just south of the Campus Services Facility (see Appendix E, Photograph 4). The gravel parking lot is located directly adjacent to a drainage ditch, upgradient of an MS4 outfall that discharges underneath Lieutenant Vanwinkle Drive to an unnamed drainage to the Chenango River (see Appendix E, Photographs 5, 6, and 7).
 - Section 4.4.3 *Identify and Address Potential or Actual Illicit Discharges* of the College SWMP specifically identifies this street sweeping waste material disposal location as a potential pollutant source; however, the College had not taken corrective actions to address this potential pollutant source. The SWMP states the following:

Street and parking lot sweepings are stockpiled in a dirt area behind the Campus Services Building. This material is likely contaminated with oil, grease, and road salt/sand, and stockpiling allows runoff from the pile to reach the storm water system. Another means of disposal for this material will be identified.

2.5.2. The College had not performed and documented a self-assessment for its College operations and facilities.

Part VIII.A.6.a.i of the Permit specifies that the College’s program for pollution prevention/good housekeeping must address:

Municipal operations and facilities that contribute or potentially contribute POCs [pollutants of concern] to the small MS4 system. The operations and facilities may include, but are not limited to: **street and bridge maintenance; winter road maintenance; stormwater system maintenance; vehicle and fleet maintenance; park and open space maintenance; municipal building maintenance; solid waste management** [emphasis added]; new construction and land disturbances; right-of-way maintenance; marine operations; hydrologic habitat modification; or other.

Part VIII.A.6.a.ii of the Permit further specifies that the College must perform and document a self-assessment of its operations to “determine the sources of pollutants potentially generated by the covered entity’s operations and facilities; and identify the municipal operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it is not done already.”

The EPA Audit Team formally requested the College’s “[d]ocumentation of Self-Assessment of all College operations and facilities (current Permit term);” however, the College did not provide the requested information.

College staff indicated during the audit that no formal self-assessments of the College’s facilities had been conducted or documented. Based on discussions with College staff and

observations of the campus, it appeared to the EPA Audit Team that the primary College facility that would require self-assessment is the Campus Services Facility.

2.5.3. The College had not developed a pollution prevention and good housekeeping training program for its employees.

Part VIII.A.6.a.vi of the Permit specifies that the College's program for pollution prevention/good housekeeping must include "an employee pollution prevention and good housekeeping training program and ensure that staff receive and utilize training."

Section 7.2.14, *P2/Good Housekeeping Training*, of the College SWMP states that the College will do the following, though it does not specify a timeframe for development or implementation:

Training is a key component to a successful P2/good housekeeping program. Numerous staff members perform tasks that could result in the discharge of pollutants to the storm water system. Therefore, BCC will develop fact sheets and/or general training materials to address the P2/good housekeeping practices identified in this chapter. The training will be periodically conducted by the SWMP Coordinator or his designee for staff with related responsibilities. EPA has numerous resources on its web site that can be used to develop training materials.

The EPA Audit Team formally requested the College's "[e]mployee/maintenance personnel training plan, records, and syllabus pertaining to pollution prevention/good housekeeping (most recent Reporting Year)," however, the College did not provide the requested information.

College staff explained that the College had not developed or conducted stormwater-specific training for its staff and had not developed a formal training program.

The College Chief of Public Safety and College Assistant Chief of Public Safety explained that training generally occurs as part of other training activities rather than as a formal program. For example, employees receive "right to know" training and hazardous communications training, which include stormwater pollution prevention procedures for when spill occur.

In summary, the College did not demonstrate to the EPA Audit Team that it had developed a structured program for pollution prevention and good housekeeping training activities. Specifically, the program should include established schedules and frequencies for training activities, identification of staff or positions that require training, procedures for documenting and tracking training activities, and measureable goals for assessing the implementation of the training program.

2.5.4. The College had not required third party entities performing contracted services to make the necessary certification regarding MS4 Permit compliance.

Part VIII.A.6.a.vii of the Permit specifies that the College's program for pollution prevention/good housekeeping must require "third party entities performing contracted services, including but not limited to, street sweeping, snow removal, lawn / grounds care, etc., to make the necessary certification in Part IV.G [of the Permit]."

Part IV.G of the Permit states that “[t]he covered entity must, through a signed certification statement, contract or agreement provide **adequate assurance** [emphasis added] that the third parties will comply with permit requirements applicable to the work performed by the third party.”

The example certification statement included at Part IV.G of the Permit includes the following:

I certify under penalty of law that I understand and agree to comply with the terms and conditions of the (covered entity’s name) stormwater management program and agree to implement any corrective actions identified by the (covered entity’s name) or a representative. I also understand that the (covered entity’s name) must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System (“SPDES”) general permit for stormwater discharges from the Municipal Separate Storm Sewer Systems (“MS4s”) and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any non-compliance by (covered entity’s name) will not diminish, eliminate, or lessen my own liability.

During the audit, the College Chief of Public Safety and College Assistant Chief of Public Safety indicated that specific language regarding MS4 Permit compliance is not included in contracts for contracted College operations. The EPA Audit Team did not obtain an example of a standard College services contract. The College should review its contract language to ensure that it meets the intent of the requirement identified in Part IV.G of the Permit.

2.5.5. The College had not distributed educational information to onsite contractors or vendors as specified in the College SWMP.

Section 2.3.6, *On-Site Contractor/Vendor Education and Oversight*, of the College SWMP specifies the following:

There are several service vendors who come to the BCC campus to make deliveries or pick-ups or provide services. These vendors include:

- A lawn care service company that provides weed control and fertilizer services.
- A food services vendor that provides food in the Student Center and receives food deliveries to campus.
- A trash removal vendor.
- Used oil generated on campus is removed by a vendor.
- Waste kitchen grease is removed from campus by a vendor.
- A vendor delivers diesel to the aboveground storage tank located at Campus Services.
- The kitchen grease trap is periodically inspected and cleaned out by a vendor.
- The oil/water separator located at Campus Services is cleaned out as needed by a vendor.
- An elevator service contractor.

To ensure proper protection of the storm drain system during these and other vendor activities, the vendors should be briefed on BCC’s storm water prevention policies applicable to their activities. BCC has developed basic storm water management procedures (BMPs) and provided them to service vendors who are expected to follow them. The vendor BMPs are provided in Table 2-1.

Table 2-2: Public Education and Outreach MCM Schedule and Measureable Goals of the College SWMP indicated that the College would “[p]rovide BMPs to vendors” by January 2008; however, based on discussions with the College Chief of Public Safety and College Assistant Chief of Public Safety, the procedures for vendors included in the SWMP had not to date been provided to College contractors or vendors.

Appendix A
NYSDEC Phase II MS4 General Permit

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES

from

**MUNICIPAL SEPARATE STORM SEWER SYSTEMS
(MS4s)**

Permit No. GP-0-10-002

Issued Pursuant to Article 17, Titles 7, 8 and Article 70
of the Environmental Conservation Law

Effective Date: May 1, 2010


Expiration Date: April 30, 2015

William R. Adriance
Chief Permit Administrator

Address:

NYS DEC
Div. Environmental Permits
625 Broadway
Albany, N.Y. 12233-1750


Authorized Signature


Date

PREFACE

Pursuant to Section 402 of the Clean Water Act (“CWA”), operators of *small municipal separate storm sewer systems* (“small MS4s”), located in *urbanized areas* (“UA”) and those *additionally designated* by New York State are unlawful unless they are authorized by a *National Pollutant Discharge Elimination System* (“NPDES”) permit or by a state permit program. New York’s *State Pollutant Discharge Elimination System* (“SPDES”) is an NPDES-approved program with permits issued in accordance with the *Environmental Conservation Law* (“ECL”).

Only those *small MS4 operators* who *develop* and *implement* a *stormwater management program* (SWMP) and obtain permit coverage in accordance with Part II of this *SPDES general permit* are authorized to *discharge stormwater* from their *small MS4* under this *SPDES general permit*.

A *covered entity* authorized under GP-0-08-002 as of the effective date of GP-0-10-002, shall be permitted to discharge in accordance with the renewed permit, GP-0-10-002, upon the submission of their Annual Report, unless otherwise notified by the *Department*.

An *operator* not authorized under GP-0-10-002 may¹ obtain coverage under this *SPDES general permit* by submitting a Notice of Intent (NOI) to the address provided on the NOI form. For newly regulated MS4s, authorization under this *SPDES general permit* is effective upon written notification from the *Department* of the receipt of a complete NOI. Copies of this *SPDES general permit* and the NOI for New York are available by calling (518) 402 - 8109 or at any Department of Environmental Conservation (*Department*) regional office (Appendix A). They are also available on the *Department’s* website:

<http://www.dec.ny.gov/permits/6045.html>

Submitting an NOI is an affirmation that an initial *SWMP* has been *developed* and will be *implemented* in accordance with the terms of this *SPDES general permit*.

*** Note: all italicized words within this *SPDES general permit* are defined in Part X. Acronyms and Definitions.**

¹ The term “may” is used to recognize that there are circumstances under which the *operator* is ineligible for coverage under this *SPDES general permit* because of exclusionary provisions of this permit. *Operators* that are excluded from coverage under this *SPDES general permit* as provided for in Part I, for example, are not authorized to *discharge* under this permit. This clarification also applies to situations in which an NOI has been submitted; submission of an NOI by an entity excluded from *SPDES general permit* coverage does not authorize the *small MS4* to *discharge stormwater* runoff under the authority of this *SPDES general permit*.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPDES GENERAL PERMIT FOR DISCHARGES FROM
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)

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Part I. PERMIT COVERAGE AND LIMITATIONS

A. Permit Application

1. This *SPDES general permit* authorizes *discharges* of stormwater from *small municipal separate storm sewer systems* ("MS4"s) as defined in 40 CFR 122.26(b)(16), provided all of the eligibility provisions of this *SPDES general permit* are met.
2. Exempt Non-Stormwater Discharges. The following non-stormwater *discharges* are exempt from the need for *SPDES general permit* coverage unless the *Department* has determined them to be substantial contributors of pollutants to a particular *small MS4* applying for coverage under this *SPDES general permit*. If the *Department* determines that one or more of the *discharges* listed below is a substantial contributor of pollutants to a *small MS4*, the identified *discharges* will be considered *illicit*. In that event, the *covered entity* must eliminate such discharges by following the *illicit discharge* minimum control measure ("MCM") requirements (See Part VII.A.3 or VIII.A.3, and Part IX.A.3, B.3, C.3, and D.3 where applicable).
 - a. water line flushing
 - b. landscape irrigation
 - c. diverted stream flows
 - d. rising ground waters
 - e. uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20))
 - f. uncontaminated ground water
 - g. discharges from potable water sources
 - h. foundation drains
 - i. air conditioning condensate
 - j. irrigation water
 - k. springs
 - l. water from crawl space and basement sump pumps
 - m. footing drains
 - n. lawn and landscape watering runoff provided that all pesticides and fertilizers have been applied in accordance with the manufacturer's product label;
 - o. water from individual residential car washing
 - p. flows from riparian habitats and wetlands
 - q. dechlorinated swimming pool discharges
 - r. residual street wash water
 - s. discharges or flows from fire fighting activities

(Part I.A.2.)

- t. dechlorinated water reservoir discharges
- u. any SPDES permitted discharge.

Even if the non-stormwater discharges are determined not to be substantial contributors of pollutants, the *Department* recommends that the *covered entity's stormwater management program* ("SWMP") include public education and outreach activities directed at reducing pollution from these discharges.

B. Limitations on Coverage

The following are not authorized by this *SPDES general permit*:

1. *Stormwater discharges* whose unmitigated, direct, indirect, interrelated, interconnected, or interdependent impacts would jeopardize a listed endangered or threatened species or adversely modify designated critical habitat;
2. *Stormwater discharges* or *implementation* of a *covered entity's SWMP*, which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless the covered entity is in compliance with requirements of the National Historic Preservation Act and has coordinated with the appropriate State Historic Preservation Office any activities necessary to avoid or minimize impacts;
3. *Stormwater discharges* to territorial seas not of the State of New York, the contiguous zone, and the oceans unless such *discharges* are in compliance with the ocean *discharge* criteria of 40 CFR 125 subpart M;
4. *Stormwater discharges*, the permitting of which is prohibited under 40 CFR 122.4 and/ or the *ECL*;

C. Exemption Criteria

For *stormwater discharges* from a designated *small MS4* that are mixed with non-*stormwater* or *stormwater* associated with *industrial activity*, the *Department* may determine them to be exempt from the requirements of this *SPDES general permit* if the *discharges* are:

1. Effectively addressed by and in compliance with a different *SPDES general permit* or an *individual SPDES permit*; or
2. Identified by and in compliance with Part I.A.2 of this *SPDES general permit*.

Part II. OBTAINING PERMIT COVERAGE

A. Permit coverage is obtained by submission of a complete and accurate Notice Of Intent.

B. Permit coverage is public noticed by the Department.

NOIs will be public noticed and an opportunity for public comment provided on the contents of submitted NOIs.

- a. NOIs and the location of the SWMPs and Annual Reports for existing MS4s will be posted in the Environmental Notice Bulletin (ENB).
- b. A deadline of 28 calendar days from the posting in the ENB will be provided for receiving comments.
- c. After the public comment period has expired, the *Department* may extend the public comment period, require submission of an application for an individual SPDES permit or alternative *SPDES general permit*, or accept the NOI or SWMP as complete.

C. Continuance of Permit Coverage for Covered Entities Authorized by GP-0-08-002 (Continuing Covered Entities)

As of May 1, 2010, entities with coverage under GP-0-08-002 will continue to have authorization to discharge on an interim basis for up to 180 days from the effective date of this *SPDES general permit*. Covered entities may gain coverage under this *SPDES general permit* by submission of their 2009 Annual Report due in June 2010. For public participation purposes, the updated Annual Report will be considered equivalent to submission of an NOI.

When the operator changes, a new operator is added, or the individual responsible for the SWMP changes, these changes must be indicated on the MCC form submitted in accordance with Part V.D. It is not necessary to submit a revised Notice of Intent (NOI).

D. Permit Coverage for Covered Entities Newly Designated Under GP-0-10-002 (Small MS4s not Previously Authorized by GP-0-08-002)

Certain *small MS4s* designated by 40CFR Section 122.32(a)(1) were not authorized by GP-0-08-002, but are now required to gain coverage under this *SPDES general permit*. The *small MS4s* were not previously authorized because they were either:

- required to gain coverage under GP-0-08-002, but were granted a waiver from that requirement;
- were not required to gain coverage under GP-0-08-002 based on the designation criteria, but they are now within an *Additionally Designated Area*; or

(Part II.D.)

- were otherwise not permitted under GP-0-08-002.
- 1. In order for *stormwater discharges* from *small MS4s* to be newly authorized under this *SPDES general permit*, an operator must:
 - a. within 180 days of receiving written notification from the *Department* that a permit for discharges from MS4s is required, prepare an NOI using the form provided by the *Department* (or a photocopy thereof); and
 - b. submit the NOI, signed in accordance with Part VI.J of this *SPDES general permit*, to:

NOTICE OF INTENT
NYS DEC, Bureau of Water Permits
625 Broadway, 4th Floor
Albany, NY 12233-3505

- 2. *Operators* who submit a complete NOI in accordance with the requirements of this *SPDES general permit* are authorized to *discharge stormwater* from *small MS4s*, under the terms and conditions of this *SPDES general permit*, upon written notification from the Department that a complete NOI has been received.

E Small MS4s Not Required to Gain Coverage

Operators of unregulated *small MS4s* may apply for coverage under this *SPDES general permit* at any time, per Part II.B.

F. Extension of Permit Coverage to Covered Entity's Full Jurisdiction

Operators of traditional land use control MS4s must extend the implementation of minimum control measures (MCMs) 4 and 5 in accordance with *Criterion 3* of the Designation Criteria or apply for a waiver, if eligible.

Operators of all regulated *small MS4s* may also extend the implementation of any of the six MCMs to areas under their control, but outside of the existing area covered by this *SPDES general permit*. This may be done by describing the program components (MCMs) being extended and the geographic extent to which they are being extended in the annual report (Part V.C.) and indicating in the Municipal Compliance Certification (MCC) form (Part V.D.) that the program was extended to the *covered entity's* full jurisdiction.

(Part II.)

G. Single Entity to Cover the MS4

A single entity may gain coverage for, and on behalf of, one or more regulated MS4s to implement a part of an MCM, one, or all the MCMs. A single entity shall be defined by watershed, municipal boundaries, special district boundaries, or other specifically defined boundaries. The single entity must demonstrate to the *Department* that it was formed in accordance with applicable state and/or local legislation, and that it has the legal authority and capacity (financial, resources, etc.) to meet the requirements of this *SPDES general permit*. Depending on the MCM(s) implemented, the single entity shall demonstrate that it has the following capacities, as applicable for each MCM that the single entity is seeking coverage under this SPDES general permit:

1. Initiate and administer appropriate enforcement procedures,
2. Collect, finance, bond or otherwise borrow money for capital projects,
3. Control the management and operation of the storm sewer system,
4. Implement best management practices at all municipal facilities discharging to the MS4, and
5. Obtain access to property that may be necessary for siting stormwater management facilities and/or practices.

The single entity must submit a complete NOI form to the *Department*, detailing which of the regulated MS4s it will gain coverage for and which of the MCMs, or parts of MCMs, it will implement for each particular regulated MS4. A copy of the document forming the single entity, and detailing the legal authority and capacity of the single entity, must be attached to the NOI. Prior to the single entity gaining coverage under this SPDES general permit, each regulated MS4, for which the single entity will implementing one or more MCM must submit a complete notice of termination (NOT). This notice shall specify which of the minimum control measures the single entity will implement for the MS4 and which of the minimum control measures the MS4 will implement.

Part III. SPECIAL CONDITIONS

A. Discharge Compliance with Water Quality Standards

Where a *discharge* is already authorized under this *SPDES general permit* and is later determined to directly or indirectly cause or have the reasonable potential to cause or contribute to the violation of an applicable *water quality standard*, the *Department* will notify the *covered entity* of such violation(s) and may take enforcement actions for such violations. The *covered entity* must take all necessary actions to ensure future *discharges* do not directly or indirectly cause or contribute to the violation of a *water quality standard*, and the *covered entity* must document these actions in the *SWMP*.

(Part III.A.)

Compliance with this requirement does not preclude, limit, or eliminate any enforcement activity as provided by the Federal and / or State law for the underlying violation. Additionally, if violations of applicable water quality standards occur, then coverage under this *SPDES general permit* may be terminated by the *Department* in accordance with 750-1.21(e), and the Department may require an application for an alternative *SPDES general permit* or *individual SPDES permit* may be issued.

B. Impaired Waters

1. Impaired Waters Without Watershed Improvement Strategies or Future TMDLs

If a *small MS4 discharges* a stormwater pollutant of concern (POC) to an *impaired* water listed in Appendix 2, the covered entity must ensure no net increase in its *discharge* of the listed POC to that water.

By January 8, 2013, *covered entities* must assess potential sources of discharge of stormwater POC(s), identify potential stormwater pollutant reduction measures, and evaluate their progress in addressing the POC(S). Newly authorized covered entities must perform the above tasks within 5 years after gaining coverage under this SPDES general permit. Covered entities must evaluate their *SWMP* with respect to the MS4's effectiveness in ensuring there is no net increase discharge of stormwater POC(s) to the impaired waters for *storm sewersheds* that have undergone non-negligible changes such as changes to land use and impervious cover greater than one acre, or stormwater management practices during the time the MS4 has been covered by this *SPDES general permit*. This assessment shall be conducted for the portions of the *small MS4 storm sewershed* that *discharge* to the listed waters (see Appendix 2). The assessment shall be done using *Department* supported modeling of pollutant loading.

If the modeling shows increases in loading of the POC, the SWMP must be modified to reduce the loading to meet the no net increase requirement. The subsequent annual reports must contain an assessment of priority stormwater problems, potential management practices that are effective for reduction of stormwater POC(s), and document a gross estimate of the extent and cost of the potential improvements.

2. Watershed Improvement Strategies

The *SWMPs* for *covered entities* in the watersheds listed below must be modified to comply with the following requirements and the watershed improvement strategies. *Covered entities* implementing the pollutant-specific BMPs in addition to the BMPs required of all *covered entities* will be taking satisfactory steps towards achieving compliance with TMDL requirements. *Covered entities* under the MS4 *SPDES general*

(Part III.B.2.)

permit are required to make best efforts to participate in locally based watershed planning efforts that involve the NYSDEC, other covered entities, stakeholders and other interested parties for implementation of load reduction BMPs. Covered entities may form a Regional Stormwater Entity (RSE) to implement stormwater retrofits collectively. The *covered entities* must ensure that discharges of the *POC* to the *TMDL* waterbody are reduced through these or additional changes to the *SWMP* so that the waste load allocation is met.

MS4s are required to meet the reduction of the POC defined by the TMDL program defined in Part IX of this *SPDES general permit*. By the deadlines defined in Part IX of the general permit, *covered entities* must assess their progress and evaluate their *SWMP* to determine the *MS4's* effectiveness in reducing their discharges of *TMDL POC(s)* to *TMDL* water bodies. Newly designated watershed improvement strategy areas must perform the assessment within 5 years from authorization under this *SPDES* general permit. This assessment shall be conducted for the portions of the *small MS4 storm sewershed* that are within the *TMDL* watershed. The assessment shall be done using *Department* supported modeling of pollutant loading from the *storm sewershed*. The *covered entities* or an RSE must prepare and implement, participate in or utilize the results of existing or ongoing ambient water quality monitoring programs to validate the accuracy of models and evaluate the effectiveness of the additional BMPs for watershed improvement strategies.

If the modeling shows that loading of the POC is not being reduced to meet the waste load allocation, the *SWMP* must be modified to reduce the pollutant loading to meet the waste load allocation.

Each regulated MS4 is responsible for an individual load reduction, which is a fraction of the total required load reduction in the TMDL. If MS4s form an RSE and stormwater retrofits are approached collectively, the *Department* would allow compliance with this condition of the *SPDES* general permit to be achieved on a regional basis.

In this case the load reduction requirement for each participating MS4 will be aggregated, to create an RSE load reduction, to allow design and installation of retrofits where they are most feasible, without restricting MS4s to site retrofit projects within their municipal boundaries.

Each member of an RSE is in compliance if the aggregate reduction number associated with the retrofit plans is met. If the aggregate number is not met, each of the participating MS4s would be deemed non-compliant until such time as they had met their individual load reduction requirements.

(Part III.B.2.)

a. New York City Watershed East of the Hudson River

Covered entities shall modify their *SWMP* to meet the additional requirements as set forth in Part IX.A to address phosphorus as the *POC* for the portion of their *storm sewershed* in the watershed. A map of the watershed is shown in Appendix 3.

b. Other Phosphorus Watersheds

Covered entities shall modify their *SWMP* to meet the additional requirements as set forth in Part IX.B to address phosphorus as the *POC* for the portion of their *storm sewershed* in the watershed. Maps of the watersheds are shown in Appendices 4, 5, and 10.

c. Pathogen Watersheds

Covered entities shall modify their *SWMP* to meet the additional requirements as set forth in Part IX.C to address pathogens as the *POC* for the portion of their *storm sewershed* in any of the watersheds. Maps of the watersheds are shown in Appendices 6, 7, and 9.

d. Nitrogen Watersheds

Covered entities shall modify their *SWMP* to meet the additional requirements as set forth in Part IX.D to address nitrogen as the *POC* for the portion of their *storm sewershed* in the watershed. Maps of the watersheds are shown in Appendix 8.

3. Future TMDL Areas

If a *TMDL* is approved in the future by EPA for any waterbody or watershed into which a *small MS4 discharges*, the *covered entity* must review the applicable *TMDL* to see if it includes requirements for control of *stormwater discharges*. If a *covered entity* is not meeting the *TMDL* wasteload allocations, it must, within 180 days of written notification from the *Department*, modify its *SWMP* to ensure that the reduction of the *POC* specified in the *TMDL* is achieved. It will be the *MS4's* obligation to meet the waste load allocations specified in the *TMDL* through modification of its *SWMP plan* according to the schedule of Part IX of this *SPDES general permit*.

Modifications must be considered for each of the six MCMs. Refer to assistance documents or enhanced requirements for specific pollutants in documents on the *Department's* website for modifications specific to the *TMDL*. Revised *SWMPs* must include updated schedules for implementation.

(Part III.B.3.)

Within three years of having modified its SWMP to ensure that reduction of the POC specified in the TMDL is achieved, covered entities in future TMDL areas must assess their progress and evaluate their *SWMP* to determine the *MS4's* effectiveness in reducing their discharges of *TMDL POC(s)* to *TMDL* water bodies. This assessment shall be conducted for the portions of the *small MS4 storm sewershed* that are within the *TMDL* watershed. The assessment shall be done using *Department* supported modeling of pollutant loading from the *storm sewershed*.

Part IV. Stormwater Management Program (SWMP) Requirements

A. SWMP Background

Covered entities must develop (for newly authorized *MS4s*, implement), and enforce a *SWMP* designed to reduce the discharge of pollutants from *small MS4s* to the *maximum extent practicable* ("MEP") in order to protect water quality and to satisfy the appropriate water quality requirements of the *ECL* and the CWA. The objective of the permit is for *MS4s* to assure achievement of the applicable water quality standards. *Covered entities* under GP-0-08-002 must have prepared a *SWMP plan* documenting modifications to their *SWMP*. See Part X.B. (Definitions) for more information about the *SWMP* and *SWMP plan*.

The *SWMP* and *SWMP plan* may be created by an individual *covered entity*, by a shared effort through a group or coalition of individual *covered entities*, or by a third party entity. The *SWMP plan* shall be made readily available to covered entity's staff, to the public and to *Department* and EPA staff.

B. Cooperation Between Covered entities Encouraged

The *Department* encourages *covered entities* to cooperate when *developing* and *implementing* their *SWMP*². However, each *covered entity* is responsible for obtaining its own permit coverage and for filing its own NOI. Irrespective of any agreements between *covered entities*, each individual *covered entity* remains legally responsible for satisfying all GP-0-10-002 requirements and for its own *discharges*. If one *covered entity* is relying on another *covered entity* to satisfy one or more of its permit obligations, that fact must be noted on the *covered entity's* MCC form. The other entity must, in fact, *implement* the MCM(s) and must agree to *implement* the MCM(s) on the first *covered entity's* behalf. This agreement between the two or more parties must be documented

² For example, villages are encouraged to cooperate with towns, towns with counties, and adjacent counties with each other. In addition, municipal governments are encouraged to coordinate and cooperate with *non-traditional MS4s* such as DOT, school and fire districts, Federal and State facilities located within and adjacent to their jurisdictions. Sewer boards, water boards, or other non-traditional entities are encouraged to partner with the municipality (municipalities) that they serve.

in writing and signed by both (all) parties. Part IV.G. below may apply if such an agreement

(Part IV.B.)

is not already in place. The agreement must be included in the *SWMP plan*, and be retained by the *covered entity* for the duration of this *SPDES general permit*, including any administrative extensions of the permit term.

Covered entities that are working together to *develop (for newly authorized MS4s)* or *implement* their *SWMPs* are encouraged to complete shared annual reports. *Covered entities* may also hold a group meeting to present their annual reports to the public and to receive comments on their annual reports. These options are discussed in more detail in Part V.C.2.

C. SWMP Coverage Area

At a minimum, *covered entities* are required to *develop (for newly authorized MS4s)* and *implement SWMPs* in the automatically designated *urbanized areas* (“UA”) and *additionally designated* areas (40CFR Section 122.32(a)(1) or 122.32(a)(2)) under their jurisdiction³.

SWMP coverage shall include all UA or additionally designated areas within the *covered entity's* jurisdiction that drain into their *small MS4* and subsequently *discharge* to *surface waters of the State* directly or through other *small MS4s*.

Operators of *small MS4s* whose jurisdiction includes regulated and unregulated areas are encouraged to include their entire jurisdiction in their *SWMP* (refer to Part II.D).

D. SWMP Development and Implementation for Covered entities Authorized by GP-0-08-002(Continuing Covered entities)

Covered entities authorized under GP-0-08-002 shall continue to fully *implement* their *SWMP*, unless otherwise stated in this *SPDES general permit*. A *covered entity* may modify its *SWMP* if it determines changes are needed to improve *implementation* of its *SWMP*. Any changes to a *SWMP* shall be reported to the *Department* in the MS4's

³ The purpose of this section is to minimize conflicts between adjacent *small MS4s*. For the purposes of this *SPDES general permit*, areas under the *covered entity's* jurisdiction shall mean areas where the legal authority exists for the subject *covered entity* to *develop* and *implement* an *SWMP* including the six MCMs. It is not a permit requirement for *covered entities* to *implement* and enforce any portion of their *SWMP* in any area that is under the jurisdiction of another *covered entity*. For example, if a portion of a town drains directly into a stormwater system owned and operated by the State DOT, and this area of the town is regulated, the DOT will not be required to implement and enforce any portion of a *SWMP* in the area lying outside of its right of way. In this case, the town would be required to implement the program in the subject area in accordance with this *SPDES general permit*, this despite the fact that the subject drainage does not directly enter the town's system.

annual report and Municipal Compliance Certification (MCC) form (See Part V.C and V.D).

(Part IV.)

E. SWMP Development and Implementation for Newly Regulated Covered entities (Small MS4s not Previously Authorized by GP-0-08-002)

Certain *small MS4s* designated by 40CFR Section 122.32(a)(1) were not authorized by GP-0-08-002, but are now required to gain coverage under this *SPDES general permit*. The *small MS4s* were not previously authorized because they were either:

- required to gain coverage under GP-0-08-002, but were granted a waiver from that requirement;
- were not required to gain coverage under GP-0-08-002 based on the designation criteria, but they now meet the additional designation criteria in NYS DEC “Designation Criteria for Identifying Regulated Municipal Separate Storm Sewer Systems” ; or
- were otherwise not permitted under GP-0-08-002.

Operators of *small MS4s* newly regulated under this *SPDES general permit* must *develop* an initial *SWMP* and provide adequate resources to fully *implement* the *SWMP* no later than three years from the date of the individual MS4's authorization.

A newly regulated *covered entity* may modify its *SWMP* to comply with the terms and conditions of this *SPDES general permit* if it determines changes are needed to improve *implementation* of its *SWMP*. Any changes to a *SWMP* shall be documented in the *SWMP plan* and reported to the *Department* in the annual report (See Part V.C).

Covered entities are required to make steady progress toward full *implementation* in the first three years after the date of authorization. Full *implementation* of *SWMPs* for newly regulated *small MS4s* is expected no later than three years from the date of coverage under this *SPDES general permit*.

F. Minimum Control Measures

Each *covered entity* is required to develop (*for newly authorized MS4s*) and implement a *SWMP* that satisfies the requirements for each of six required program components, known as minimum control measures (MCMs).

The MCMs for *traditional land use control MS4s* are listed in Part VII. The MCMs for *traditional non-land use control MS4s* and *non-traditional MS4s* are listed in Part VIII. Additional MCMs that *covered entities* in watersheds with improvement strategies must address, referred to in Part III.B.2, are described in Part IX.

(Part IV.)

G. Reliance Upon Third Parties

This section applies when a *covered entity* relies upon any third party entity to *develop* or *implement* any portion of its *SWMP*. Examples of such entities include, but are not

limited to a non-government, commercial entity that receives payment from the *covered entity* for services provided (for example businesses that create policies or procedures for *covered entities*, perform illicit discharge identification and track down, maintain roads, remove snow, clean storm sewer system, sweep streets, etc as contracted by the covered entity).

The covered entity must, through a signed certification statement, contract or agreement provide adequate assurance that the third parties will comply with permit requirements applicable to the work performed by the third party. The certification statement, contract or other agreement must:

- provide adequate assurance that the third party will comply with permit requirements;
- identify the activities that the third party entity will be responsible for and include the name and title of the person providing the signature;
- the name, address and telephone number of the third party entity;
- an identifying description of the location of the work performed; and
- the date the certification statement, contract or other agreement is signed.

Example certification language is provided below:

Contracted Entity Certification Statement:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the (covered entity's name) stormwater management program and agree to implement any corrective actions identified by the (covered entity's name) or a representative. I also understand that the (covered entity's name) must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater discharges from the Municipal Separate Storm Sewer Systems ("MS4s") and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any non-compliance by (covered entity's name) will not diminish, eliminate, or lessen my own liability."

Part V. PROGRAM ASSESSMENT, RECORD KEEPING, REPORTING AND CERTIFICATION REQUIREMENTS

A. Assessment

Covered entities are required to collect and report information about the *development* and *implementation* of their SWMPs. Specific information the *small MS4s* are required to collect is identified in Parts VII or VIII, depending on the type of *small MS4*. The *small MS4s* are encouraged to collect additional information that will help them evaluate their SWMP. Collection of information over time will facilitate the evaluation of the *covered entity's SWMP* by allowing the examination of trends in the information collected.

The *covered entity* must conduct an annual evaluation of its program compliance, the appropriateness of its identified *BMPs*, meeting new permit requirements, and progress towards achieving its identified *measurable goals*, which must include reducing the *discharge* of pollutants to the *MEP*.

Where the evaluation shows that the SWMP is not reducing discharges to the *MEP*, the SWMP shall be revised to reduce discharges to the *MEP*. Update to the SWMP and the SWMP plan must be completed within a year from the annual evaluation of their SWMP with an implementation schedule no later than 3 years from the annual evaluation.

B. Recordkeeping

The *covered entity* must keep records required by this *SPDES general permit* (records that document *SWMP*, records included in *SWMP plan*, other records that verify reporting required by the permit, NOI, past annual reports, and comments from the public and the *Department*, etc.) for at least five (5) years after they are generated. Records must be submitted to the *Department* within 5 business days of receipt of a *Department* request for such information. The *covered entity* shall keep duplicate records (either hard copy or electronic), to have one copy for public observation and a separate working copy where the *covered entity's* staff, other individuals responsible for the *SWMP* and regulators, such as *Department* and EPA staff can access them. Records, including the NOI and the *SWMP plan*, must be available to the public at reasonable times during regular business hours.

C. Annual Reporting

1. Annual Report Submittal

The annual reporting period ends March 9 of each year. The annual report must be received in the *Department's* Central Office, electronic or hard copy, no later than June 1 of each reporting year. If electronic, submit in accordance with procedures set forth by the *Department*. If mailed, send to the address below:

(Part V.C.1.)

NYS DEC “MS4 Coordinator”
Bureau of Water Permits
625 Broadway, 4th Floor
Albany, NY 12233-3505

Failure to submit a complete annual report and a complete MCC form (Part V.D) shall constitute a permit violation.

a. Annual Report Submittal for Newly Regulated Covered entities (Small MS4s not Previously Authorized by GP-0-08-002)

Newly regulated covered entities *developing* their *SWMP* are to submit their Annual Report in a format provided by the *Department*. They will provide, at a minimum, the information on the annual report form and the information required by Parts VII or VIII.

Newly regulated *covered entities* are required to submit their first annual report the year that authorization is granted if authorization is granted on or before December 31 of that reporting year.

b. Annual Report Submittal for Covered entities Authorized by GP-0-08-002 (Continuing Covered entities)

Beginning with annual reports due in 2010 *covered entities* implementing their *SWMP* shall submit, at a minimum, information specified by the *Department* in Part VII or VIII in a format provided by the *Department*.

2. Shared Annual Reporting and Submittal

Covered entities working together to *develop* (for newly authorized *MS4s*) and /or *implement* their *SWMPs* may complete a shared annual report. The shared annual report is an annual report that outlines and explains group activities, but also includes the tasks performed by individual *covered entities* (*BMPs*, *measurable goals*, schedules of planned activities, etc.). To facilitate the submission of one annual report for the entire group of *covered entities*, individual *covered entity's* activities may be incorporated into the report by either:

- providing the details specific to their *small MS4(s)* to a person(s) who incorporates that information into the group report. That one group report is submitted to the *Department* for all participating *small MS4s*; or
- providing the details specific to their *small MS4(s)* on a separate sheet(s) that will be attached with the one group report.

(Part V.C.2.)

Regardless of the method chosen, each *covered entity* must, by June 1 of the annual reporting year:

- a. Provide their individual MCC form (see Part V.D) to be submitted with the shared annual report. Each *covered entity* must sign and submit an MCC form to take responsibility for all of the information in the annual report, which includes specific endorsement or acceptance of the shared annual report on behalf of the individual *covered entity*;
- b. Present their draft annual report at a meeting (see Part VII.A.2.d or Part VIII.A.2.d for more information). For completed shared annual reports, the report may be presented by each participating individual *covered entity* at an existing *municipal* meeting or may be made available for comments on the internet. Additionally, *covered entities* participating in shared annual reporting may combine meetings to have a group or regional meeting. While the group meeting is allowable, each *covered entity* shall ensure that local public officials and members of the public are informed about the program, activities and progress made; and
- c. Submit a summary of any comments received and (intended) responses on the individual *covered entity*'s information or the shared annual report information, as applicable. This information should be included with the annual report submission. Changes made to the *SWMP* in response to comments should be described in the annual report.

3. Annual Report Content

The annual report shall summarize the activities performed throughout the reporting period (March 10 to March 9) and must include at a minimum:

- a. The status of compliance with permit conditions, including Watershed Improvement Strategy conditions;
- b. An assessment/evaluation of:
 - i. the appropriateness of the identified *BMPs*;
 - ii. progress towards achieving the statutory goal of reducing the *discharge* of pollutants to the *MEP*; and
 - iii. the identified *measurable goals* for each of the *MCMs*.
- c. Results of information collected and analyzed, monitoring data, and an assessment of the *small MS4*'s *SWMP* progress toward the statutory goal of reducing the *discharge* of *pollutants* to the *MEP* during the reporting period. This could include results from required *SWMP* reporting, estimates of pollutant loading (from parameters such as identified illicit discharges, physically interconnected *small MS4s* that may contribute substantially to pollutant

(Part V.C.3.c.)

loadings from the *small MS4*) and pollutant load reductions (such as illicit discharges removed). This assessment may be submitted as an attachment;

- d. When required to be completed, results of assessments of effectiveness in meeting no net increase requirements or TMDL loadings as required by III. B.1 and 2. These results must be submitted in evaluation forms and as an attachment;
- e. A summary of the stormwater activities planned to be undertaken during the next reporting cycle (including an implementation schedule);
- f. Any change in identified *BMPs* or *measurable goals* and justification for those changes;
- g. Notice that a *small MS4* is relying on another entity to satisfy some or all of its permit obligations (if applicable);
- h. A summary of the public comments received on this annual report at the public presentation required in Part VII.A.2. or VIII.A.2. And, as appropriate, how the *small MS4* will respond to comments and modify the program in response to the comments;
- i. A statement that the final report and, beginning in 2009, the SWMP plan are available for public review and the location where they are available; and
- j. The information specified under the reporting requirements for each MCM (Part VII or VIII).

D. Annual Report Certification

A signed original hard copy and a photocopy of the MCC form must be submitted to the *Department* no later than June 1 of each reporting year. If the annual report is mailed (Part V.C. above), the MCC form must be submitted with the annual report.

The MCC form, provided by the *Department*, certifies that all applicable conditions of Parts IV, VII, VIII and IX of this *SPDES general permit* are being *developed, implemented* and complied with. It must be signed by an individual as described in Part VI.J.2. The certification provided by the MCC form does not affect, replace or negate the certification required under Part VI.J(2)(d). If compliance with any requirement cannot be certified to on the MCC form, a complete explanation with a description of corrective measures must be included as requested on the MCC form.

Failure to submit a complete annual report (Part V.C.) and a complete MCC form shall constitute a permit violation.

Part VI. STANDARD PERMIT CONDITIONS

A. General Authority to Enforce

Three of the MCMs (illicit discharge detection and elimination, construction site *stormwater* runoff control and post-construction *stormwater* management) require local laws, ordinances or other regulatory mechanisms to ensure successful implementation of the MCMs. Some *covered entities*, however, are not enabled by state law to adopt local laws or ordinances. Those *covered entities* (typically non-traditional MS4s and traditional, non-land use control MS4s) are expected to utilize the authority they do possess to create or modify existing regulatory mechanisms, including but not limited to contracts, bid specifications, requests for proposals, etc. to ensure successful implementation.

B. Duty To Comply

A *covered entity* must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and the *ECL* and is grounds for enforcement action.

C. Enforcement

Failure of the *covered entity*, its contractors, subcontractors, agents and/or assigns to strictly adhere to any of the *SPDES general permit* requirements contained herein shall constitute a permit violation. There are substantial criminal, civil, and administrative penalties associated with violating the provisions of this permit. Fines of up to \$37,500 per day for each violation and imprisonment for up to fifteen (15) years may be assessed depending upon the nature and degree of the offense.

D. Continuation of the Expired SPDES General Permit

This *SPDES general permit* expires five years from the effective date of this permit. However, an administratively extended *SPDES general permit* continues in force and effect until the *Department* issues a new permit, unless a *covered entity* receives written notice from the *Department* to the contrary. *Operators* of the *MS4s* authorized under the administratively extended expiring *SPDES general permit* seeking coverage under the new *SPDES general permit* must refer to the terms within the new *SPDES general permit* to continue coverage.

E. Technology Standards

Covered entities, in accordance with written notification by the *Department*, must comply with all applicable technology-based effluent standards or limitations promulgated by EPA pursuant to Sections 301 and 304 of the CWA. If an effluent standard or limitation more stringent than any effluent limitation in the *SPDES general permit* or controlling a pollutant not limited in the permit is promulgated or approved

(Part VI.E.)

after the permit is issued, the *SWMP plan* shall be promptly modified to include that effluent standard or limitation.

F. Need To Halt or Reduce Activity Not a Defense

It shall not be a defense for a *covered entity* in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this *SPDES general permit*.

G. Duty to Mitigate

The *covered entity* shall take all reasonable steps to minimize or prevent any *discharge* in violation of this *SPDES general permit* which has a reasonable likelihood of adversely affecting human health or the environment.

H. Duty to Provide Information

The *covered entity* shall, within five (5) business days, make available for inspection and copying or furnish to the *Department* or an authorized representative of the *Department* any information that is requested to determine compliance with this *SPDES general permit*. Failure to provide information requested shall be a violation of the terms of this *SPDES general permit* and applicable regulation.

I. Other Information

Covered entities who become aware of a failure to submit any relevant facts or have submitted incorrect information in the NOI or in any other report to the *Department* must promptly submit such facts or information.

J. Signatory Requirements

All NOIs, reports, certifications or information submitted to the *Department*, or that this *SPDES general permit* requires be maintained by the *covered entity*, shall be signed as follows:

1. Notices of Intent

All NOIs shall be signed by either a principal executive officer or ranking elected official. Principal executive officer includes (1) the chief executive officer of the municipal entity agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports Required and Other Information Requested

All reports required by this *SPDES general permit* and other information requested by the *Department*, including MCC forms (part V.D.), shall be signed by a person

(Part VI.J.2.)

described above or by a duly authorized representative of that person⁴. A person is a duly authorized representative only if:

- a. The authorization is made in writing by a person described in VI.J.1 above and submitted to the *Department*; and
- b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the *covered entity* (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and
- c. The written authorization shall include the name, title and signature of the authorized representative and be attached to the MCC form; and
- d. **Changes to authorization.** If an authorization to discharge is no longer accurate because a different *covered entity* has responsibility for the overall operation of another *covered entity's* program, these changes must be indicated on the MCC form submitted to the *Department* per Part V.D.
- e. **Initial signatory authorization or changes to signatory authorization.** The initial signatory authorization must be submitted to the *Department* with any reports to be signed by a signatory representative. If a signatory authorization under VI.J.2 is no longer accurate because a different individual, or position, has responsibility for the overall operation of the facility, a new signatory authorization satisfying the requirements of VI.J.2 must be submitted to the *Department* with any reports to be signed by an authorized representative.
- f. **Certification.** Any person signing documents under paragraph VI.H shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the

⁴ Positions that must be duly authorized include, but are not limited to, Environmental Directors, Deputy Supervisors, Safety and Environmental Managers, Assistant Directors, and Chief Health and Safety Officers.

(Part VI.J.2.f.)

information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information. "

Under Part VI.J. (Signatory Requirements), it shall constitute a permit violation if an incorrect and/or improper signatory authorizes any required forms, and/or reports.

K. Penalties for Falsification of Reports

Article 17 of the *ECL* provides a civil penalty of \$37,500 per day per violation of this permit. Articles 175 and 210 of the New York State Penal Law provide for a criminal penalty of a fine and / or imprisonment for falsifying reports required under this permit..

L. Oil and Hazardous Substance Liability

Nothing in this *SPDES general permit* shall be construed to preclude the institution of any legal action or relieve the *covered entity* from any responsibilities, liabilities, or penalties to which it is or may be subject under section 311 of the CWA or section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

M. Property Rights

The issuance of this *SPDES general permit* does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations, nor does it limit, diminish and / or stay compliance with any terms of this permit.

N. Severability

The provisions of this *SPDES general permit* are severable, and if any provision of this *SPDES general permit*, or the application of any provision of this *SPDES general permit* to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

O. Requiring an Individual Permit or an Alternative General Permit

1. In its sole discretion, the *Department* may require any person authorized by this *SPDES general permit* to apply for and/or obtain either an *individual SPDES permit* or an alternative *SPDES general permit*. Where the *Department* requires a *covered entity* to apply for an *individual SPDES permit*, the *Department* will notify such

(Part VI.O.1.)

person in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for filing the application, and a deadline not sooner than 180 days from covered entity's receipt of the notification letter, whereby the authorization to discharge under this general permit shall be terminated. Applications must be submitted to the appropriate Regional Office. The *Department* may grant additional time to submit the application upon request of the applicant.

2. Any *covered entity* authorized by this *SPDES general permit* may request to be excluded from the coverage of this *SPDES general permit* by applying for an *individual SPDES permit* or an *alternative SPDES general permit*. In such cases, a *covered entity* must submit an individual application or an application for an alternative *SPDES general permit* in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with reasons supporting the request, to the *Department* at the address for the appropriate Regional Office. The request may be granted by issuance of any *individual SPDES permit* or an *alternative SPDES general permit* if the reasons cited by the *covered entity* are adequate to support the request.
3. When an individual SPDES permit is issued to a discharger authorized to discharge under a *SPDES general permit* for the same discharge(s), the general permit authorization for outfalls authorized under the individual permit is automatically terminated on the effective date of the individual permit unless termination is earlier in accordance with 6 NYCRR Part 750.

P. Other State Environmental Laws

1. Nothing in this *SPDES general permit* shall be construed to preclude the institution of any legal action or relieve a *covered entity* from any responsibilities, liabilities, or penalties established pursuant to any applicable *State* law or regulation under authority preserved by section 510 of the CWA.
2. No condition of this *SPDES general permit* releases the *covered entity* from any responsibility or requirements under other environmental statutes or regulations.

Q. Proper Operation and Maintenance

A *covered entity* must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the *covered entity* to achieve compliance with the conditions of this *SPDES general permit*. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems,

(Part VI.Q.)

installed by a *covered entity* only when necessary to achieve compliance with the conditions of the *SPDES general permit*.

R. Inspection and Entry

The *covered entity* shall allow the Commissioner of NYSDEC, the Regional Administrator of the USEPA, the applicable county health department, or their authorized representatives, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the *covered entity's* premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this *SPDES general permit*;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit, including records required to be maintained for purposes of operation and maintenance; and
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit.

S. Permit Actions

At the *Department's* sole discretion, this *SPDES general permit* may be modified, revoked, suspended, or renewed for cause at any time.

T. Anticipated noncompliance

The *covered entity* shall give advance notice to the *Department* of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Notification of planned changes or anticipated noncompliance does not limit, diminish and / or stay compliance with any terms of this permit.

U. Permit Transfers

Coverage under this *SPDES general permit* is not transferable to any person except after notice to the *Department*. The *Department* may require modification or revocation and reissuance of this *SPDES general permit* to change the responsible party and incorporate such other requirements as may be necessary.

Part VII. MINIMUM CONTROL MEASURES - TRADITIONAL LAND USE CONTROL

A. Traditional Land-Use Control MS4 Minimum Control Measures (MCMs)

These MCMs apply to *traditional land use control MS4s* (cities, towns, villages). The SWMP for these *small MS4s* must be comprised of the 6 MCMs below. It is recommended that covered entities refer to assistance and guidance documents available from the *State* and EPA.

Continuing covered entities were required to develop a SWMP with the MCM requirements below by January 8, 2008 (if authorized by GP-02-02) and within three years of gaining coverage (if authorized by GP-0-08-002). Under this *SPDES general permit*, the continuing *covered entities* are required to implement their SWMP, including the MCM requirements below. Notwithstanding any sooner deadlines contained elsewhere within this permit, newly regulated *covered entities* are required to develop their SWMP, containing the MCM requirements below, within the first 3 years of coverage and then commence implementation.

For each of the elements of the SWMP plan, the *covered entity* must identify (i) the agencies and/or offices that would be responsible for implementing the SWMP plan element and (ii) any protocols for coordination among such agencies and/or offices necessary for the implementation of the plan element.

The *covered entity* may *develop* (for newly authorized MS4s) and /or *implement* their SWMP within their jurisdiction on their own. The *covered entity* may also *develop* (for newly authorized MS4s) and / or *implement* part or all of their SWMP through an intermunicipal program with another *covered entity(s)* or through other cooperative or contractual agreements with third parties that provide services to the *covered entities*.

1. Public Education and Outreach - SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. Identify *POCs*, waterbodies of concern, geographic areas of concern, target audiences;
- b. *Develop* (for newly authorized MS4s) and *implement* an ongoing public education and outreach program designed to describe to the general public and target audiences:
 - i. the impacts of *stormwater discharges* on waterbodies;
 - ii. *POCs* and their sources;
 - iii. steps that contributors of these pollutants can take to reduce pollutants in *stormwater* runoff; and

(Part VII.A.1.b.)

- iv. steps that contributors of non-*stormwater discharges* can take to reduce pollutants (non-*stormwater discharges* are listed in Part I.A.2);
- c. *Develop (for newly authorized MS4s), record, periodically assess, and modify as needed, measurable goals;* and
- d. Select and implement appropriate education and outreach *activities* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.

Required SWMP Reporting

- e. **Program *implementation* reporting for continuing covered entities** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. list education / outreach *activities* performed for the general public and target audiences and provide any results (for example, number of people attended, amount of materials distributed, etc.);
 - ii. *covered entities* performing the education and outreach activities required by other MCMs (listed below), may report on those activities in MCM 1 and provide the following information applicable to their program:
 - IDDE education *activities* planned or completed for public employees, businesses, and the general public, as required by Part VII.A.3;
 - construction site *stormwater* control training planned or completed, as required by Part VII.A.4; and
 - employee pollution prevention / good housekeeping training planned or completed, as required by Part VII.A.6; andTo facilitate shared annual reporting, if the education and outreach activities above are implemented by a third party, and the third party is completing the associated portions of the annual report, that third party may report on the education and outreach activities within MCM 1 of the annual report and not within the MCMs that the education and outreach activities are required by,
 - iii. report on effectiveness of program, *BMP* and *measurable goal* assessment; and
 - iv. maintain records of all training activities.
- f. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. **program *development* deadlines and reporting:**

(Part VII.A.1.f.i.)

Complete in Year 1 (report changes in Year 2 and 3 as needed):

- list (and describe if necessary) *POCs*;
- *development* of education and outreach program and *activities* for the general public and target or priority audiences that address *POCs*, geographic areas of concern, and / or *discharges* to 303(d) / TMDL waterbodies;
- *covered entities* developing education and outreach programs required by other MCMs (listed below), may report on development (and implementation of those activities, if occurring during the three year development period) in MCM 1 and provide the following information applicable to their program:
 - IDDE education *activities* planned or completed for public employees, businesses, and the general public for IDDE, as required by Part VII.A.3;
 - Construction site stormwater control training planned or completed, as required by Part VII.A.4; and
 - employee pollution prevention / good housekeeping training planned or completed, as required by Part VII.A.6;

To facilitate shared annual reporting, if the education and outreach activities above are developed by a third party, and the third party is completing the associated portions of the annual report, that third party may report on the education and outreach activities within MCM 1 of the annual report and not within the MCMs that the education and outreach activities are required by.

ii. **program implementation reporting** as set forth in Part VII.A.1(e) above. Commence *implementation* reporting after three year *development* period. *Implementation* reporting may begin earlier if *implementation* begins during *development* period.

2. Public Involvement / Participation - SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. Comply with the *State Open Meetings Law* and local public notice requirements, such as *Open Meetings Law*, when implementing a public involvement / participation program;
- b. *Develop* (for newly authorized MS4s) and *implement* a public involvement/participation program that:
 - i. identifies key individuals and groups, public and private, who are interested in or affected by the *SWMP* ;

(Part VII.A.2.b.)

- ii. identifies types of input the *covered entity* will seek from the key individuals and groups, public and private, to support *development* and *implementation* of the SWMP program and how the input will be used; and
 - iii. describes the public involvement / participation activities the *covered entity* will undertake to provide program access to those who want it and to gather the needed input. The activities included, but are not limited to a water quality hotline (report spills, dumping, construction sites of concern, etc.), stewardship activities like stream cleanups, storm drain marking, and volunteer water quality monitoring;
 - iv. provide the opportunity for the public to participate in the *development*, *implementation*, review, and revision of the SWMP.
- c. **Local stormwater public contact.**
Identify a local point of contact for public concerns regarding *stormwater* management and compliance with this *SPDES general permit*. The name or title of this contact and the telephone number must be published in public outreach and public participation materials and kept updated with the *Department* on the MCC form;
- d. **Annual report presentation.**
Below are the requirements for the annual report presentation:
- i. prior to submitting the final annual report to the *Department*, by June 1 of each reporting year (see Part V.C.), present the draft annual report in a format that is open to the public, where the public can ask questions about and make comments on the report. This can be done:
 - at a meeting that is open to the public, where the public attendees are able to ask questions about and make comments on the report. This may be a regular meeting of an existing board, such as planning, zoning or the town board. It may also be a separate meeting, specifically for *stormwater*. If multiple *covered entities* are working together, they may have a group meeting (refer to Part V.C.2); or
 - on the internet by:
 - making the annual report available to the public on a website;
 - providing the public the opportunity to provide comments on the internet or otherwise; and

(Part VII.A.2.d.i.)

- making available the opportunity for the public to request an open meeting to ask questions about and make comments on the report. If a public meeting is requested by 2 or more persons, the covered entity must hold such a meeting. However, the covered entity need only hold a public meeting once to satisfy this requirement.
- ii. provide public notice about the presentation, making public the following information when noticing the presentation in accordance with the local public notice requirements:
 - the placement of the annual report on the agenda of this meeting or location on the internet;
 - the opportunity for public comment. This *SPDES general permit* does not require a specified time frame for public comments, although it is recommended that *covered entities* do provide the public an opportunity to comment for a period after the meeting. Comments received after the final annual report is submitted shall be reported with the following year's annual report. *Covered entities* must take into account those comments in the following year;
 - the date and time of the meeting or the date the annual report becomes available on the internet; and
 - the availability of the draft report for prior review prior to the public meeting or duration of availability of annual report on the internet;
- iii. the *Department* recommends that announcements be sent directly to individuals (public and private) known to have a specific interest in the *covered entity's SWMP*;
- iv. include a summary of comments and (intended) responses with the final annual report. Changes made to the *SWMP* in response to comments should be described in the annual report; and
- v. ensure that a copy of the final report and, beginning in 2009, the *SWMP* plan are available for public inspection;
- e. *Develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals; and*

(Part VII.A.2.)

- f. Select and implement appropriate public involvement / participation *activities* and *measurable goals* to ensure the reduction of *POCs* in *stormwater discharges* to the *MEP*.

Required SWMP Reporting

- g. **Program *implementation* reporting for continuing *covered entities*** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. annual report presentation information (date, time, attendees) or information about how the annual report was made available for comment;
 - ii. comments received and intended responses (as an attachment);
 - iii. public involvement / participation *activities* (for example stream cleanups including the number of people participating, the number of calls to a water quality hotline, the number and extent of storm drain stenciling); and
 - iv. report on effectiveness of program, *BMP* and *measurable goal* assessment.
- h. Reporting for **newly regulated *covered entities*** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. **program *development* deadlines and reporting:**
 - Complete for Year 1, 2 and 3:
 - annual report presentation information (date, time, attendees);
 - comments received and intended responses (as an attachment);
 - Complete by end of Year 2 (report changes by end of Year 3 as needed):
 - key stake holders identified;
 - *development* of public involvement / participation plan based on the *covered entity's* needs, *POCs*, target audiences, geographic areas of concern, *discharges* to *303(d)* / *TMDL* waterbodies; and
 - *development* of public involvement / participation *activities* (for example stream cleanups including the number of people participating, the number of calls to a dumping / water quality hotline, the number or percent of storm drains stenciled);
 - ii. **program *implementation* reporting**, as set forth in Part VII.A.2(g) above. Commence *implementation* reporting after three year *development* period. *Implementation* reporting may begin earlier if *implementation* begins during development period.

(Part VII.A.)

3. Illicit Discharge Detection and Elimination (IDDE) - SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. *Develop (for newly authorized MS4s), implement and enforce a program to detect and eliminate illicit discharges (as defined at 40CFR 122.26(b)(2)) into the small MS4;*
- b. *Develop (for newly authorized MS4s) and maintain a map, at a minimum within the covered entity's jurisdiction in the urbanized area and additionally designated area, showing:*
 - i. *the location of all outfalls and the names and location of all surface waters of the State that receive discharges from those outfalls;*
 - ii. *by March 9, 2010, the preliminary boundaries of the covered entity's storm sewersheds have been determined using GIS or other tools, even if they extend outside of the urbanized area (to facilitate track down), and additionally designated area within the covered entity's jurisdiction; and*
 - iii. *when grant funds are made available or for sewer lines surveyed during an illicit discharge track down, the covered entity's storm sewer system in accordance with available State and EPA guidance;*
- c. *Field verify outfall locations;*
- d. *Conduct an outfall reconnaissance inventory, as described in the EPA publication entitled Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment, addressing every outfall within the urbanized area and additionally designated area within the covered entity's jurisdiction at least once every five years, with reasonable progress each year;*
- e. *Map new outfalls as they are constructed or newly discovered within the urbanized area and additionally designated area;*
- f. *Prohibit, through a law, ordinance, or other regulatory mechanism, illicit discharges into the small MS4 and implement appropriate enforcement procedures and actions. This mechanism must be equivalent to the State's model IDDE local law "NYSDEC Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems". The mechanism must be certified by the attorney representing the small MS4 as being equivalent to the State's model illicit discharge local law. Laws adopted during the GP-02-02 permit cycle must also be attorney-certified as effectively assuring implementation of the State's model IDDE law;*

(Part VII.A.3.)

- g. *Develop (for newly authorized MS4s) and implement* a program to detect and address non-stormwater *discharges*, including illegal dumping, to the *small MS4* in accordance with current assistance and guidance documents from the State and EPA. The program must include: procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for the IDDE program; description of priority areas of concern, available equipment, staff, funding, etc.; procedures for identifying and locating *illicit discharges* (trackdown); procedures for eliminating *illicit discharges*; and procedures for documenting actions;
- h. Inform public employees, businesses, and the general public of the hazards associated with illegal *discharges* and improper disposal of waste, and maintain records of notifications;
- i. Address the categories of non-stormwater *discharges* or flows listed in Part I.A.2 as necessary;
- j. *Develop (for newly authorized MS4s), record, periodically assess, and modify as needed, measurable goals*; and
- k. Select and implement appropriate IDDE *BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.

Required SWMP Reporting

- I. **Program *implementation* reporting for continuing covered entities** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. number and percent of *outfalls* mapped;
 - ii. number of *illicit discharges* detected and eliminated;
 - iii. percent of outfalls for which an outfall reconnaissance inventory has been performed. ;
 - iv. status of system mapping;
 - v. activities in and results from informing public employees, businesses, and the general public of hazards associated with illegal *discharges* and improper disposal of waste;
 - vi. regulatory mechanism status - certification that law is equivalent to the *State's* model IDDE law (if not already completed and submitted with an earlier annual report); and
 - vii. report on effectiveness of program, *BMP* and *measurable goal* assessment.

(Part VII.A.3.)

- m. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:

i. **program development deadlines and reporting:**

Complete in Year 1 (revise in Year 2 and 3 if changes are made):

- describe procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for IDDE program;
 - describe priority areas of concern, available equipment, staff, funding, etc.;
- Initiate by end of Year 1; complete by end of Year 2 (revise in Year 3 if changes are made):

- describe procedures for identifying and locating *illicit discharges* (trackdown);
- describe procedures for eliminating *illicit discharges*;
- describe procedures for enforcing against illicit dischargers;
- describe procedures for documenting actions;
- describe the program being developed for informing public employees, businesses, and the general public of hazards associated with illegal *discharges* and improper disposal of waste;

Initiate by end of Year 1; complete by end of Year 3:

- regulatory mechanism status development and adoption - by end of Year 3 certify that regulatory mechanism is equivalent to the *State's* model IDDE law (if not already completed and submitted with an earlier report);

Initiate by end of Year 2; complete by end of Year 3:

- number and percent of *outfalls* mapped; and

Complete by Year 3:

- *outfall* map.

ii. **program implementation reporting** as set forth in Part VIII.A.3(I) above.

Commence *implementation* reporting after three year *development* period.

Implementation reporting may begin earlier if *implementation* begins during development period.

4. Construction Site Stormwater Runoff Control - SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. *Develop* (for newly authorized MS4s), *implement*, and enforce a program that:

(Part VII.A.4.a.)

- i. provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (either GP-02-01, GP-0-08-001 or GP-0-10-001), unless more stringent requirements are contained within this *SPDES general permit*;
- ii. addresses *stormwater* runoff to the *small MS4* from *construction activities* that result in a land disturbance of greater than or equal to one acre. Control of *stormwater discharges* from *construction activity* disturbing less than one acre must be included in the program if:
 - that *construction activity* is part of a *larger common plan of development or sale* that would disturb one acre or more; or
 - if controlling such activities in a particular watershed is required by the *Department*;
- iii. includes a law, ordinance or other regulatory mechanism to require a *SWPPP* for each applicable land disturbing activity that includes erosion and sediment controls that meet the *State's* most current technical standards:
 - this mechanism must be equivalent to one of the versions of the "NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control"; and
 - equivalence must be documented
 - by adoption of one of the sample local laws without changes;
 - by using the NYSDEC Gap Analysis Workbook; or
 - by adoption of a modified version of the sample law, or an alternative law, and, in either scenario, certification by the attorney representing the small MS4 that the adopted law is equivalent to one of the sample local laws.
- iv. contains requirements for construction site operators to implement erosion and sediment control management practices;
- v. allows for sanctions to ensure compliance to the extent allowable by State law;
- vi. contains requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality, pursuant to the requirement of construction permit;
- vii. describes procedures for *SWPPP* review with consideration of potential water quality impacts and review of individual *SWPPPs* to ensure consistency with *State* and local sediment and erosion control requirements;

(Part VII.A.4.a.vii.)

- ensure that the individuals performing the reviews are adequately trained and understand the *State* and local sediment and erosion control requirements;
 - all *SWPPPs* must be reviewed for sites where the disturbance is one acre or greater; and
 - after review of *SWPPPs*, the *covered entity* must utilize the “MS4 *SWPPP* Acceptance Form” created by the *Department* and required by the SPDES General Permit for Stormwater Discharges from Construction Activity when notifying construction site owner / operators that their plans have been accepted by the *covered entity*;
- viii. describes procedures for receipt and follow up on complaints or other information submitted by the public regarding construction site storm water runoff;
- ix. describes procedures for site inspections and enforcement of erosion and sediment control measures including steps to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and receiving water;
- the *covered entity* must ensure that the individual(s) performing the inspections are adequately trained and understand the *State* and local sediment and erosion control requirements. Adequately trained means receiving inspector training by a *Department* sponsored or approved training;
 - all sites must be inspected where the disturbance is one acre or greater;
 - *covered entities* must determine that it is acceptable for the owner or operator of a construction project to submit the Notice of Termination (NOT) to the *Department* by performing a final site inspection themselves or by accepting the Qualified Inspector's final inspection certification(s) required by the SPDES General Permit for Stormwater Discharges from Construction Activity. The principal executive officer, ranking elected official, or duly authorized representative (see Part VI.J.) shall document their determination by signing the “MS4 Acceptance” statement on the NOT.
- x. educates construction site owner / operators, design engineers, *municipal* staff and other individuals to whom these regulations apply about the *municipality's* construction *stormwater* requirements, when construction *stormwater* requirements apply, to whom they apply, the procedures for submission of *SWPPPs*, construction site inspections, and other procedures associated with control of construction stormwater;

(Part VII.A.4.a.)

- xi. ensures that construction site operators have received erosion and sediment control training before they do work within the *covered entity's* jurisdiction and maintain records of that training. Small home site construction (construction where the Erosion and Sediment Control Plan is developed in accordance with Appendix E of the "New York Standards and Specifications for Erosion and Sediment Control") is exempt from the requirements below:
 - training may be provided by the *Department* or other qualified entities (such as Soil and Water Conservation Districts);
 - the *covered entity* is not expected to perform such training, but they may co-sponsor training for construction site operators in their area;
 - the *covered entity* may ask for a certificate of completion or other such proof of training; and
 - the *covered entity* may provide notice of upcoming sediment and erosion control training by posting in the building department or distribute with building permit application;
- xii. establishes and maintains an inventory of active construction sites, including the location of the site, owner / operator contact information;
- xiii. *develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals; and*
- xiv. select and appropriate construction *stormwater BMPs and measurable goals* to ensure the reduction of all *POCs in stormwater discharges* to the *MEP*.

Required SWMP Reporting

- b. **Program implementation reporting for continuing covered entities** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. number of *SWPPPs* reviewed;
 - ii. number and type of enforcement actions;
 - iii. percent of active construction sites inspected once;
 - iv. percent of active construction sites inspected more than once;
 - v. number of construction sites authorized for disturbances of one acre or more; and
 - vi. report on effectiveness of program, *BMP* and *measurable goal* assessment.
- c. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:

(Part VII.A.4.c.)

i. **program *development* deadlines and reporting:**

Initiate by end of Year 1:

- procedures, activities and identify personnel to educate and train construction site operators about requirements to develop and implement a SWPPP and any other requirements that must be met within the MS4's jurisdiction;

Complete in Year 1 (revise in Year 2 and 3 if changes are made):

- describe procedures for the receipt and consideration of information submitted by the public. Identify the responsible personnel;

Initiate by end of Year 1; complete by end of Year 3:

- regulatory mechanism development and adoption status - by end of Year 3 certify that regulatory mechanism is equivalent to one of the NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control (if not already completed and submitted with an earlier report);

Initiate by end of Year 2; complete by end of Year 3:

- describe procedures for SWPPP review that incorporate consideration of potential water quality impacts and ensure consistency with local sediment and erosion control requirements;
- describe procedures for construction site inspections; and
- describe procedures for enforcement of control measures and sanctions to ensure compliance.

ii. **program *implementation* reporting** as set forth in Part VII.A.4(b) above.

Commence *implementation* reporting after three year *development* period.

Implementation reporting may begin earlier if *implementation* begins during development period..

5. Post-Construction Stormwater Management - SWMP Development/Implementation

At a minimum, all *covered entities* must:

a. *Develop(for newly authorized MS4s), implement, and enforce a program that:*

- provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (either GP-02-01, GP-0-08-001, or GP-0-10-001), unless more stringent requirements are contained within this *SPDES general permit*;
- addresses *stormwater* runoff from new development and redevelopment projects to the *small MS4* from projects that result in a land disturbance of greater than or

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-10-002

(Part VII.A.5.a.ii.)

equal to one acre. Control of *stormwater discharges* from projects of less than one acre must be included in the program if:

- that project is part of a *larger common plan of development or sale*; or
- if controlling such activities in a particular watershed is required by the *Department*;

iii. includes a law, ordinance or other regulatory mechanism to require post construction runoff controls from new development and re-development projects to the extent allowable under *State* law that meet the *State's* most current technical standards:

- the mechanism must be equivalent to one of the versions of the "NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control"; and
- equivalence must be documented
 - by adoption of one of the sample local laws without changes;
 - by using the NYSDEC Gap Analysis Workbook; or
 - by adoption of a modified version of the sample law, or an alternative law, and, in either scenario and certification by the attorney representing the small MS4 that the adopted law is equivalent to one of the sample local laws;

iv. includes a combination of structural or non-structural management practices (according to standards defined in the most current version of the NYS Stormwater management Design Manual) that will reduce the *discharge* of pollutants to the MEP. In the development of the watershed plans, municipal comprehensive plans, open space preservation programs, local law, ordinances and land use regulations, covered entities must consider principles of *Low Impact Development* (LID), *Better Site Design* (BSD), and other *Green Infrastructure* practices to the MEP. In the development of the watershed plans, municipal comprehensive plans, open space preservation programs, local law, ordinances and land use regulations, covered entities must consider smart growth principles, natural resource protection, impervious area reduction, maintaining natural hydrologic conditions in developments, riparian buffers or set back distances for protection of environmentally sensitive areas such as streams, wetlands, and erodible soils.

- *covered entities* are required to review according to the *Green Infrastructure* practices defined in the Design Manual at a site level, and are encouraged to review, and revise where appropriate, local codes and laws that include provisions that preclude green infrastructure or construction techniques that minimize or reduce pollutant loadings.

(Part VII.A.5.a.iv.)

- if a *stormwater* management practice is designed and installed in accordance with the New York State Stormwater Management Design Manual or has been demonstrated to be equivalent and is properly operated and maintained, then *MEP* will be assumed to be met for post-construction *stormwater* discharged by the practice;
- v. describes procedures for *SWPPP* review with consideration of potential water quality impacts and review of individual *SWPPPs* to ensure consistency with state and local post-construction *stormwater* requirements;
 - ensure that the individuals performing the reviews are adequately trained and understand the *State* and local post construction *stormwater* requirements;
 - ensure that the individuals performing the reviews for *SWPPPs* that include post-construction stormwater management practices are *qualified professionals* or under the supervision of a *qualified professional*;
 - all *SWPPPs* must be reviewed for sites where the disturbance is one acre or greater;
 - after review of *SWPPPs*, the *covered entity* must utilize the “MS4 *SWPPP* Acceptance Form” created by the *Department* and required by the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) when notifying construction site owner / operators that their plans have been accepted by the *covered entity*;
 - utilize available training from sources such as Soil and Water Conservation Districts, Planning Councils, The New York State Department of State, USEPA, and/or the *Department* to educate municipal boards and Planning and Zoning Boards on low impact development principles, better site design approach, and green infrastructure applications.
- vi. maintain an inventory of post-construction stormwater management practices within the *covered entities* jurisdiction. At a minimum, include practices discharging to the *small MS4* that have been installed since March 10, 2003, all practices owned by the *small MS4*, and those practices found to cause or contribute to water quality standard violations.
 - the inventory shall include at a minimum: location of practice (street address or coordinates); type of practice; maintenance needed per the NYS Stormwater Management Design Manual, *SWPPP*, or other provided documentation; and dates and type of maintenance performed; and

(Part VII.A.5.a.)

- vii. ensures adequate long-term operation and maintenance of management practices identified in Part VII.5.a.vi by trained staff, including inspection to ensure that practices are performing properly.
 - The inspection shall include inspection items identified in the maintenance requirements (NYS Stormwater Management Design Manual, *SWPPP*, or other maintenance information) for the practice. *Covered entities* are not required to collect *stormwater* samples and perform specific chemical analysis;
- viii. Covered entities may include in the SWMP Plan provisions for development of a banking and credit system. MS4s must have an existing watershed plan based on which offsite alternative stormwater management in lieu of or in addition to on-site stormwater management practices are evaluated. Redevelopment projects must be evaluated for pollutant reduction greater than required treatment by the state standards. The individual project must be reviewed and approved by the *Department*. Use of a banking and credit system for new development is only acceptable in the impaired watersheds to achieve the no net increase requirement and watershed improvement strategy areas to achieve pollutant reductions in accordance with watershed plan load reduction goals. A banking and credit system must at minimum include:
 - Ensure that offset exceeds a standard reduction by factor of at least 2
 - Offset is implemented within the same watershed
 - Proposed offset addresses the POC of the watershed
 - Tracking system is established for the watershed
 - Mitigation is applied for retrofit or redevelopment
 - Offset project is completed prior to beginning of the proposed construction
 - A legal mechanism is established to implement the banking and credit system
- b. *Develop (for newly authorized MS4s), implement, and provide adequate resources for a program to inspect development and re-development sites by trained staff and to enforce and penalize violators;*
- c. *Develop (for newly authorized MS4s), record, annually assess and modify as needed measurable goals; and*
- d. Select and implement appropriate post-construction *stormwater BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.

(Part VII.A.5.)

Required SWMP Reporting

- e. **Program *implementation* reporting for continuing covered entities** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. number of *SWPPPs* reviewed;
 - ii. number and type of enforcement actions;
 - iii. number and type of post-construction stormwater management practices inventoried;
 - iv. number and type of post-construction stormwater management practices inspected;
 - v. number and type of post-construction stormwater management practices maintained;
 - vi. regulatory mechanism status - certification that regulatory mechanism is equivalent to one of the “NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control” (if not already done); and
 - vii. report on effectiveness of program, BMP and measurable goal assessment, and implementation of a banking and credit system, if applicable;
- f. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. **program *development* deadlines and reporting:**
 - Initiate by end of Year 1; complete by end of Year 3:
 - regulatory mechanism development and adoption status - by end of Year 3 certify that regulatory mechanism is equivalent to one of the NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control (if not already completed and submitted with an earlier report);
 - Initiate by end of Year 2; complete by end of Year 3:
 - procedures for *SWPPP* review to ensure that post-construction stormwater management practices meet the most current version of the state technical standards;
 - procedures for inspection and maintenance of post-construction management practices;
 - procedures for enforcement and penalization of violators; and
 - Complete by the end of year 3:

(Part VII.A.5.f.i.)

- provide resources for the program to inspect new and re-development sites and for the enforcement and penalization of violators.
- ii. **program *implementation* reporting** as set forth in Part VII.A.5(e) above. Commence *implementation* reporting after three year *development* period. *Implementation* reporting may begin earlier if *implementation* begins during *development* period.

6. Pollution Prevention/Good Housekeeping For Municipal Operations - SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. *Develop (for newly authorized MS4s) and implement* a pollution prevention / good housekeeping program for *municipal* operations and facilities that:
 - i. addresses *municipal* operations and facilities that contribute or potentially contribute *POCs* to the *small MS4* system. The operations and facilities may include, but are not limited to: street and bridge maintenance; winter road maintenance; stormwater system maintenance; vehicle and fleet maintenance; park and open space maintenance; municipal building maintenance; solid waste management; new construction and land disturbances; right-of-way maintenance; marine operations; hydrologic habitat modification; or other;
 - ii. at a minimum frequency of once every three years, perform and document a self assessment of all municipal operations addressed by the SWMP to:
 - determine the sources of pollutants potentially generated by the *covered entity's* operations and facilities; and
 - identify the *municipal* operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it is not done already;
 - iii. determines *management practices*, policies, procedures, etc. that will be *developed* and *implemented* to reduce or prevent the discharge of (potential) pollutants. Refer to management practices identified in the “NYS Pollution Prevention and Good Housekeeping Assistance Document” and other guidance materials available from the EPA, *State*, or other organizations;
 - iv. prioritizes pollution prevention and good housekeeping efforts based on geographic area, potential to improve water quality, facilities or operations most in need of modification or improvement, and *covered entity's* capabilities;

(Part VII.A.6.a.)

- v. addresses pollution prevention and good housekeeping priorities;
 - vi. includes an employee pollution prevention and good housekeeping training program and ensures that staff receive and utilize training;
 - vii. requires third party entities performing contracted services, including but not limited to street sweeping, snow removal, lawn / grounds care, etc., to meet permit requirements as the requirements apply to the activity performed ; and
 - viii. requires *municipal* operations and facilities that would otherwise be subject to the NYS Multi-sector General Permit (MSGP, GP-0-06-002) for industrial stormwater discharges to prepare and *implement* provisions in the SWMP that comply with Parts III. A, C, D, J, K and L of the MSGP. The covered entity must also perform monitoring and record keeping in accordance with Part IV. of the MSGP. Discharge monitoring reports must be attached to the MS4 annual report. Those operations or facilities are not required to gain coverage under the MSGP. *Implementation* of the above noted provisions of the SWMP will ensure that MEP is met for discharges from those facilities;
- b. Consider and incorporate cost effective runoff reduction techniques and green infrastructure in the routine upgrade of the existing stormwater conveyance systems and municipal properties to the MEP. Some examples include replacement of closed drainage with grass swales, replacement of existing islands in parking lots with rain gardens, or curb cuts to route the flow through below grade infiltration areas or other low cost improvements that provide runoff treatment or reduction.
 - c. *Develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals; and*
 - d. Select and implement appropriate pollution prevention and good housekeeping *BMPs and measurable goals* to ensure the reduction of all *POCs in stormwater discharges* to the *MEP*.
 - e. Adopt techniques to reduce the use of fertilizers, pesticides, and herbicides, as well as potential impact to surface water.

Required SWMP Reporting

- f. **Program *implementation* reporting for continuing covered entities** (MS4s covered for 3 or more years on the *reporting date*). *Covered entities* are required to report on

(Part VII.A.6.f.)

all *municipal* operations and facilities within their jurisdiction (*urbanized area* and *additionally designated area*) that their program is addressing. The *covered entity* shall report at a minimum on the items below:

- i. indicate the *municipal* operations and facilities that the pollution prevention and good housekeeping program assessed;
 - ii. describe, if not done so already, the management practices, policies and procedures that have been developed, modified, and / or implemented and report, at a minimum, on the items below that the *covered entity's* pollution prevention and good housekeeping program addressed during the reporting year:
 - acres of parking lot swept;
 - miles of street swept;
 - number of catch basins inspected and, where necessary, cleaned;
 - post-construction control stormwater management practices inspected and, where necessary, cleaned;
 - pounds of phosphorus applied in chemical fertilizer
 - pounds of nitrogen applied in chemical fertilizer; and
 - acres of pesticides / herbicides applied.
 - iii. staff training events and number of staff trained; and
 - iv. report on effectiveness of program, *BMP* and *measurable goal* assessment. If the pollution prevention and good housekeeping program addresses other operations than what is listed above in Part VII.A.6.a(ii), the *covered entity* shall report on items that will demonstrate program effectiveness.
- g. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). *Covered entities* are required to report on all *municipal* operations and facilities within their jurisdiction (*urbanized area* and *additionally designated area*) that their program is addressing. The *covered entity* shall report at a minimum on the items below:
- i. **program development deadlines and reporting** (first three years after authorization is granted):
Complete by end of Year 1:
 - identify the municipal operations and facilities that will be considered for inclusion in the pollution prevention and good housekeeping program;
 - describe the pollution prevention and good housekeeping program priorities (geographic area, potential to improve water quality; facilities or operations most in need of modification or improvement);

(Part VII.A.6.g.i.)

- describe management practices, policies, procedures, etc. that will be developed or modified;
- identify the staff and equipment available;

Initiate by end of Year 2; complete by end of Year 3:

- describe employee pollution prevention and good housekeeping program training program and begin training, report on number of staff trained; and

Complete by end of Year 3:

- description of developed management practices.

- ii. **program *implementation* reporting** as set forth in Part VII.A.6.(d) above.
Commence reporting after three year *development* permit. *Implementation* reporting may begin earlier if *implementation* begins during development period.

PART VIII. MINIMUM CONTROL MEASURES - TRADITIONAL NON-LAND USE CONTROL AND NON-TRADITIONAL MS4s

A. Traditional Non-Land Use Control and Non-traditional MS4 Minimum Control Measures (MCMs)

These MCMs apply to *traditional non-land use control MS4s* and *non-traditional MS4s*. The SWMP for these *small MS4s* must be comprised of the 6 MCMs below. It is recommended that covered entities refer to assistance and guidance documents available from the *State* and EPA.

Under this *SPDES general permit*, the continuing *covered entities* are required to implement their SWMP, including the MCM requirements below. Newly regulated covered entities are required to develop their SWMP, containing the MCM requirements below, within the first 3 years of coverage and then commence implementation.

The *covered entity* may *develop* (for newly authorized MS4s) and / or *implement* their SWMP within their jurisdiction on their own. The *covered entity* may also *develop* (for newly authorized MS4s) and / or *implement* part or all of their SWMP through an intermunicipal program with another *covered entity(s)* or through other cooperative or contractual agreements with third parties that provide services to the *covered entity(s)*.

For each of the elements of the SWMP plan, the *covered entity* must identify (i) the agencies and/or offices that would be responsible for implementing the SWMP plan element and (ii) any protocols for coordination among such agencies and/or offices necessary for the implementation of the plan element.

To comply with the requirements of this *SPDES general permit*, the *traditional non-land use control MS4s* and *non-traditional MS4s* should consider their public to be the employee / user population, visitors, or contractors / developers. Examples of the public include, but are not limited to:

- transportation *covered entities* - general public using or living along transportation systems, staff, contractors;
- educational *covered entities* - faculty, other staff, students, visitors;
- other government *covered entities* - staff, contractors, visitors.

1. Public Education and Outreach on Stormwater Impacts SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. Identify *POCs*, waterbodies of concern, geographic areas of concern, target audiences;

(Part VIII.A.1.)

- b. *Develop (for newly authorized MS4s) and implement* an ongoing public education and outreach program designed to describe:
 - i. the impacts of *stormwater discharges* on waterbodies;
 - ii. *POCs* and their sources;
 - iii. steps that contributors of these pollutants can take to reduce pollutants in *stormwater* runoff; and
 - iv. steps that contributors of non-*stormwater discharges* can take to reduce pollutants (non-*stormwater discharges* are listed in Part I.A.2);
- c. Educational materials may be made available at, locations including, but not limited to:
 - i. at service areas, lobbies, or other locations where information is made available;
 - ii. at staff training;
 - iii. on *covered entity's* website;
 - iv. with pay checks; and
 - v. in employee break rooms;
- d. *Develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals; and*
- e. Select and implement appropriate education and outreach *activities* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.

Required SWMP Reporting

- f. At a minimum, the *covered entity* shall report on the items below:
 - i. list education / outreach *activities* performed and provide any results (number of people attended, amount of materials distributed, etc.);
 - ii. education of the public about the hazards associated with illegal *discharges* and improper disposal of waste as required by Part VIII.A.3, may be reported in this section;
 - iii. *covered entity's* performing the education and outreach activities required by other MCMs (listed below), may report on those activities in MCM 1 and provide the following information applicable to their program:
 - IDDE education *activities* planned or completed for the public, as required by Part VIII.A.3;
 - construction site *stormwater* control training planned or completed, as required by Part VIII.A.4; and
 - employee pollution prevention / good housekeeping training planned or completed, as required by Part VIII.A.6;

To facilitate shared annual reporting, if the education and outreach activities above are implemented by a third party, and the third party is completing the

(Part VIII.A.1.f.iii.)

- associated portions of the annual report, that third party may report on the education and outreach activities within MCM 1 of the annual report and not within the MCMs that the education and outreach activities are required by;
- iv. report on effectiveness of program, *BMP* and *measurable goal* assessment; and
 - v. maintain records of all training activities
- g. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
- i. **program development deadlines and reporting:**
Complete in Year 1 (report changes in Year 2 and 3 as needed):
 - list (and describe if necessary) POCs;
 - *development* of education and outreach program and activities for the public that address *POCs*, geographic areas of concern, and / or *discharges to 303(d) / TMDL* waterbodies;
 - *covered entities* developing education and outreach programs required by other MCMs (listed below), may report on development (and implementation of those activities, if occurring during the three year development period) in MCM 1 and provide the following information applicable to their program:
 - IDDE education *activities* planned or completed for the public, as required by Part VIII.A.3;
 - construction site *stormwater* control training planned or completed, as required by Part VIII.A.4; and
 - employee pollution prevention / good housekeeping training planned or completed, as required by Part VIII.A.6.

To facilitate shared annual reporting, if the education and outreach activities above are implemented by a third party, and the third party is completing the associated portions of the annual report, that third party may report on the education and outreach activities within MCM 1 of the annual report and not within the MCMs that the education and outreach activities are required by.
 - ii. **Program implementation reporting** as set forth in Part VIII.A.1(f) above.
Commence *implementation* reporting after three year *development* period.
Implementation reporting may begin earlier if *implementation* begins during *development* period.

2. Public Involvement/Participation - SWMP Development / Implementation

At a minimum, all *covered entities* must:

(Part VIII.A.2.)

- a. Comply with *State* and local public notice requirements identified below when implementing a public involvement / participation program:
 - i. *traditional non-land use control MS4s* shall comply with the *State Open Meetings Law* and local public notice requirements, such as *Open Meetings Law*; and
 - ii. *traditional non-land use control MS4s* and *non-traditional MS4s* may comply with this requirement by determining who their public is (staff, visitors, contractors, etc.) and posting notifications (as needed) in areas viewable by the public. Such areas include common areas, bulletin boards, agency/office web pages, etc. For *small MS4s* whose public are in multiple locations, notifications shall be made available to the public in all locations within the urbanized or additionally designated areas;
- b. Provide the opportunity for the public to participate in the *development, implementation, review, and revision* of the *SWMP*;
- c. **Local stormwater public contact.**

Identify a local point of contact for public concerns regarding *stormwater* management and compliance with this *SPDES general permit*. The name or title of this contact and the telephone number must be published in public outreach and public participation materials and kept updated with the *Department* on the MCC form;
- d. **Annual report presentation.**

Below are the requirements for the annual report presentation:

 - i. prior to submitting the final annual report to the *Department*, by June 1 of each reporting year (see Part V.C.), present the draft annual report in a format that is open to the public, where the public can ask questions and make comments on the report. This can be done:
 - at a meeting that is open to the public, where the public attendees are able to ask questions about and make comments on the report. This may be a regular meeting of an existing board. It may also be a separate meeting, specifically for *stormwater*. If multiple *covered entities* are working together, they may have a group meeting (refer to Part V.C.2); or
 - on the internet by:
 - making the annual report available to the public on a website:
 - providing the public the opportunity to provide comments on the internet or otherwise; and

(Part VIII.A.2.d.i.)

- making available the opportunity for the public to request an open public meeting to ask questions about and make comments on the report;
- ii. *traditional non-land use control MS4s* must comply with Part VIII.A.2.(d)(i) above. If they choose to present the draft annual report at a meeting, it may be presented at an existing meeting (e.g. a meeting of the Environmental Management Council , Water Quality Coordinating Committee, other agencies, or a meeting specifically for stormwater), or made available for review on the internet. The *covered entity* must make public the following information when noticing the presentation in accordance with *Open Meetings Law* or other local public notice requirements:
- the placement of the annual report on the agenda of this meeting or location on the internet;
 - the opportunity for public comment. This *SPDES general permit* does not require a specified time frame for public comments, although it is recommended that *covered entities* provide the public an opportunity to comment for a period after the meeting. Comments received after the final annual report is submitted shall be reported with the following year's annual report. *Covered entities* must take into account those comments in the following year;
 - the date and time of the meeting or date annual report becomes available on the internet; and
 - the availability of the draft report for review prior to the public meeting or duration of availability of the annual report on the internet;
- iii. *non-traditional MS4s* typically do not have regular meetings during which a presentation on the annual report can be made. Those *covered entities* may comply with this requirement by either:
- noticing the availability of the report for public comment by posting a sign, posting on web site, or other methods with information about the availability and location where the public can view it and contact information for those that read the report to submit comments; or
 - following the internet presentation as explained in Part VIII.A.2(d)(i) above;
- iv. the *Department* recommends that announcements be sent directly to individuals (public and private interested parties) known to have a specific interest in the covered entity's *SWMP*;

(Part VIII.A.2.d.)

- v. include a summary of comments and intended responses with the final annual report. Changes made to the *SWMP* in response to comments should be described in the annual report; and
- vi. ensure that a copy of the final report and, beginning in 2009, the *SWMP* plan are available for public inspection;
- e. *Develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals; and*
- f. Select and implement appropriate public involvement / participation *activities* and *measurable goals* to ensure the reduction of all of the *POCs* in *stormwater discharges* to the *MEP*.

Required SWMP Reporting

- g. **Program *implementation* reporting for continuing covered entities** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. annual report presentation information (date, time, attendees) or information about how the annual report was made available for comment;
 - ii. comments received and intended responses (as an attachment); and
 - iii. report on effectiveness of program, *BMP* and *measurable goal* assessment;
- h. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. **program *development* deadlines and reporting:**
Complete for Year 1, 2, and 3:
 - annual report presentation information (date, time, attendees) or information about how the annual report was made available for comment; and
 - comments received and intended responses (as an attachment).
 - ii. **program *implementation* reporting** as set forth in Part VIII.A.2.g above.
Commence *implementation* reporting after three year *development* period.
Implementation reporting may begin earlier if *implementation* begins during development period.

3. Illicit Discharge Detection and Elimination (IDDE) - SWMP Development / Implementation

At a minimum, all *covered entities* must:

(Part VIII.A.3.)

- a. *Develop (for newly authorized MS4s), implement and enforce a program to detect and eliminate illicit discharges (as defined at 40CFR 122.26(b)(2)) into the small MS4;*
- b. *Develop (for newly authorized MS4s) and maintain a map, at a minimum within the covered entity's jurisdiction in the urbanized area and additionally designated area, showing:*
 - i. *the location of all outfalls and the names and location of all surface waters of the State that receive discharges from those outfalls;*
 - ii. *by March 9, 2010, the preliminary boundaries of the covered entity's storm sewersheds determined using GIS or other tools, even if they extend outside of the urbanized area (to facilitate trackdown), and additionally designated area within the covered entity's jurisdiction; and*
 - iii. *when grant funds are made available or for sewer lines surveyed during an illicit discharge trackdown, the covered entity's storm sewer system in accordance with available State and EPA guidance;*
- c. *Field verify outfall locations;*
- d. *Conduct an outfall reconnaissance inventory, as described in the EPA publication entitled Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment, addressing every outfall within the urbanized area and additionally designated area within the covered entity's jurisdiction at least once every five years, with reasonable progress each year;*
- e. *Map new outfalls as they are constructed or discovered within the urbanized area or additionally designated area;*
- f. *Prohibit illicit discharges into the small MS4 and implement appropriate enforcement procedures and actions below, as applicable:*
 - i. *for traditional non-land use control MS4s:*
 - *effectively prohibit, through a law, ordinance, or other regulatory mechanism, illicit discharges into the small MS4 and implement appropriate enforcement procedures and actions; and*
 - *the law, ordinance, or other regulatory mechanism must be equivalent to the State's model IDDE local law "NYSDEC Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems" developed by the State, as determined and certified to be equivalent by the attorney representing the small MS4 ; and*

(Part VIII.A.3.f.)

- ii. for *non-traditional MS4s*:
 - prohibit and enforce against *illicit discharges* through available mechanisms (ie. tenant lease agreements, bid specifications, requests for proposals, standard contract provisions, connection permits, maintenance directives / BMPS, access permits, consultant agreements, internal policies);
 - procedures or policies must be developed for implementation and enforcement of the mechanisms;
 - a written directive from the person authorized to sign the NOI stating that updated mechanisms must be used and who (position(s)) is responsible for ensuring compliance with and enforcing the mechanisms for the *covered entity's IDDE* program; and
 - the mechanisms and directive must be equivalent to the *State's* model illicit discharge local law;
- g. *Develop (for newly authorized MS4s) and implement* a program to detect and address non-stormwater *discharges*, including illegal dumping, to the *small MS4* . The program must include: procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for IDDE program; description of priority areas of concern, available equipment, staff, funding, etc.; procedures for identifying and locating *illicit discharges* (trackdown); procedures for eliminating *illicit discharges*; and procedures for documenting actions;
- h. Inform the public of the hazards associated with illegal *discharges* and the improper disposal of waste;
- i. Address the categories of non-stormwater *discharges* or flows listed in Part I.A.2 as necessary and maintain records of notification;
- j. *Develop (for newly authorized MS4s)*, record, periodically assess, and modify as needed, *measurable goals*; and
- k. Select and implement appropriate IDDE *BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*

Required SWMP Reporting

- i. **Program *implementation* reporting for continuing *covered entities*** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. number and percent of *outfalls* mapped;

(Part VIII.A.3.I.)

- ii. number of *illicit discharges* detected and eliminated;
 - iii. percent of outfalls for which an outfall reconnaissance inventory has been performed. ;
 - iv. status of system mapping;
 - v. activities to and results from informing the public of hazards associated with illegal *discharges* and improper disposal of waste;
 - vi. for traditional non-land use control MS4s, regulatory mechanism status - certification that law is equivalent to the *State's* model *IDDE* local law (if not already completed and submitted with a prior annual report); and
 - vii. report on effectiveness of program, *BMP* and *measurable goal* assessment.
- m. Required reporting for **newly authorized covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
- i. **program development deadlines and reporting:**
 - Initiate by end of Year 1; complete by end of Year 3:
 - regulatory mechanism development and adoption - by end of Year 3 certify that regulatory mechanism is equivalent to the *State's* model *IDDE* local law (traditional non-land use control MS4s) or certification of equivalence may be accomplished as set forth in Part VIII.A.3(f)(ii).
 - Complete in Year 1 (revise in Year 2 and 3 if changes are made):
 - describe procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for *IDDE* program;
 - describe priority areas of concern, available equipment, staff, funding, etc.;
 - Initiate by end of Year 1; complete by end of Year 2 (revise in Year 3 if changes are made):
 - describe procedures for identifying and locating *illicit discharges* (trackdown);
 - describe procedures for eliminating *illicit discharges*;
 - describe procedures for enforcing against illicit dischargers;
 - describe procedures for documenting actions;
 - describe the program being developed for informing the public of hazards associated with illegal *discharges* and improper disposal of waste;
 - Initiate by end of Year 2; complete by end of Year 3:
 - number and percent of *outfalls* mapped;

(Part VIII.A.3.m.i.)

Complete by Year 3:

- *outfall* map; and

- ii. **program *implementation* reporting** as set forth in Part VIII.A.3(l) above. Commence *implementation* reporting after three year *development* period. *Implementation* reporting may begin earlier if *implementation* begins during development period.

4. Construction Site Stormwater Runoff Control - SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. *Develop (for newly authorized MS4s), implement, and enforce* a program that:
 - i. provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities, unless more stringent requirements are contained within this *SPDES general permit* ;
 - ii. addresses *stormwater* runoff to the *small MS4* from *construction activities* that result in a land disturbance of greater than or equal to one acre. Control of *stormwater discharges* from *construction activity* disturbing less than one acre must be included in the program if:
 - that *construction activity* is part of a *larger common plan of development or sale* that would disturb one acre or more; or
 - if controlling such activities in a particular watershed is required by the *Department*;
 - iii. incorporates mechanisms for construction runoff requirements from new development and redevelopment projects to the extent allowable under *State* and local law that meet the *State's* most current technical standards:
 - through available mechanisms (ie. tenant lease agreements, bid specifications, requests for proposals, standard contract provisions, connection permits, maintenance directives / BMPs, access permits, consultant agreements, internal policies);
 - procedures or policies must be developed for implementation and enforcement of the mechanisms;
 - a written directive from the person authorized to sign the NOI stating that updated mechanisms must be used and who (position(s)) is responsible for ensuring compliance with and enforcing the mechanisms for construction projects that occur on property owned, under easement to, within the

(Part VIII.A.4.a.iii.)

- right-of-way of, or under the maintenance jurisdiction by the *covered entity* or within the maintenance jurisdiction of the MS4; and
 - the mechanisms and directive must be equivalent to the to the requirements of the NYS SPDES General Permit for Stormwater Discharges from Construction Activities.
- iv. allows for sanctions to ensure compliance to the extent allowable by *State* law;
- v. describes procedures for receipt and follow up on complaints or other information submitted by the public regarding construction site stormwater runoff;
- vi. educates construction site operators, design engineers, *municipal* staff and other individuals to whom these regulations apply about the construction requirements in the *covered entity's* jurisdiction, including the procedures for submission of *SWPPPs*, construction site inspections, and other procedures associated with control of construction stormwater;
- vii. Ensures that construction site contractors have received erosion and sediment control training, including the *trained contractors* as defined in the SPDES general permit for construction, before they do work within the *covered entity's* jurisdiction:
 - training may be provided by the *Department* or other qualified entities (such as Soil and Water Conservation Districts);
 - the *covered entity* is not expected to perform such training, but they may co-sponsor training for construction site operators in their area;
 - the *covered entity* may ask for a certificate of completion or other such proof of training; and
 - the *covered entity* may provide notice of upcoming sediment and erosion control training by posting in the building department or distribute with building permit application.
- viii. establishes and maintains an inventory of active construction sites, including the location of the site, owner / operator contact information;
- ix. develop (*for newly authorized MS4s*), record, periodically assess and modify as needed *measurable goals*; and

(Part VIII.A.4.a.)

- x. select and implement appropriate construction stormwater *BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.

Required SWMP Reporting

- b. **Program *implementation* reporting for continuing *covered entities*** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. number and type of sanctions employed;
 - ii. status of regulatory mechanism - certify that mechanisms will assure compliance with the NYS SPDES General Permit for Stormwater Discharges from Construction Activities;
 - iii. number of construction sites authorized for disturbances of one acre or more; and
 - iv. report on effectiveness of program, *BMP* and *measurable goal* assessment.
- c. Reporting for **newly regulated *covered entities*** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. **Program *development* deadlines and reporting:**
 - Initiate by end of Year 1:
 - procedures, activities and identify personnel to educate and train construction site operators about requirements to develop and implement a SWPPP and any other requirements that must be met within the MS4's jurisdiction;
 - Initiate by the end of Year 1; complete by the end of Year 3:
 - status of mechanism for construction runoff requirements - by end of Year 3 certify that mechanisms will assure compliance with the NYS SPDES General Permit for Stormwater Discharges from Construction Activities; and
 - Complete in Year 1 (revise in Year 2 and 3 if changes are made):
 - describe procedures for the receipt and consideration of information submitted by the public. Identify the responsible personnel.
 - ii. Program implementation reporting as set forth in Part VIII.A.4(b) above. Commence *implementation* reporting after three year development period. *Implementation* reporting may begin earlier if *implementation* begins during development period.

(Part VIII.A.)

5. Post-Construction Stormwater Management SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. *Develop (for newly authorized MS4s), implement, and enforce* a program that:
 - i. provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities, unless more stringent requirements are contained within this *SPDES general permit*;
 - ii. addresses *stormwater* runoff from new development and redevelopment projects to the *small MS4* from projects that result in a land disturbance of greater than or equal to one acre. Control of *stormwater discharges* from projects of less than one acre must be included in the program if:
 - that project is part of a *larger common plan of development or sale*;
 - if controlling such activities in a particular watershed is required by the *Department*;
 - iii. incorporates enforceable mechanisms for post-construction runoff control from new development and re-development projects to the extent allowable under *State* or local law that meet the *State's* most current technical standards:
 - through available mechanisms (i.e. tenant lease agreements, bid specifications, requests for proposals, standard contract provisions, connection permits, maintenance directives / BMPs, access permits, consultant agreements, internal policies);
 - procedures or policies must be developed for implementation and enforcement of the mechanisms;
 - a written directive from the person authorized to sign the NOI stating that updated mechanisms must be used and who (position(s)) is responsible for ensuring compliance with and enforcing the mechanisms for construction projects that occur on property owned by the *covered entity* or within the maintenance jurisdiction of the MS4; and
 - the mechanisms and directive must assure compliance with the requirements of the NYS SPDES General Permit for Stormwater Discharges from Construction Activities;
 - iv. includes a combination of structural or non-structural management practices (according to standards defined in the most current version of the NYS Stormwater management Design Manual) that will reduce the *discharge* of pollutants to the MEP. In the development of environmental plans such as watershed plans, open space preservation programs, local laws, and ordinances covered entities must incorporate principles of *Low Impact Development* (LID), *Better Site Design* (BSD) and other *Green Infrastructure* practices to the MEP.

(Part VIII.A.5.a.iv.)

Covered entities must consider natural resource protection, impervious area reduction, maintaining natural hydrologic condition in developments, buffers or set back distances for protection of environmentally sensitive areas such as streams, wetlands, and erodible soils in the development of environmental plans.

- if a *stormwater* management practice is designed and installed in accordance with the New York State Stormwater Management Design Manual or has been demonstrated to be equivalent and is properly operated and maintained, then *MEP* will be assumed to be met for the post construction *stormwater* discharged by the practice;
- v. establish and maintain an inventory of post-construction stormwater management practices to include at a minimum practices discharging to the *small MS4* that have been installed since March 10, 2003, those owned by the small MS4, and those found to cause water quality standard violations.
 - the inventory shall include, at a minimum: location of practice (street address or coordinates); type of practice; maintenance needed per the NYS Stormwater Management Design Manual, *SWPPP*, or other provided documentation; and dates and type of maintenance performed; and
- vi. ensures adequate long-term operation and maintenance of management practices by trained staff, including assessment to ensure that the practices are performing properly.
 - The assessment shall include the inspection items identified in the maintenance requirements (NYS Stormwater Management Design Manual, *SWPPP*, or other maintenance information) for the practice. *Covered entities* are not required to collect *stormwater* samples and perform specific chemical analysis;
- vii. Covered entities may include in the SWMP Plan provisions for development of a banking and credit system. MS4s must have an existing watershed plan based on which offsite alternative stormwater management in lieu of or in addition to on-site stormwater management practices are evaluated. Redevelopment projects must be evaluated for pollutant reduction greater than required treatment by the state standards. The individual project must be reviewed and approved by the *Department*. Use of a banking and credit system for new development is only acceptable in the impaired watersheds to achieve the no net increase requirement and watershed improvement strategy areas to achieve pollutant reductions in accordance with watershed plan load reduction goals. A banking and credit system must at minimum include:

(Part VIII.A.5.a.vii.)

- Ensures offset exceeds standard reduction by factor of at least 2
 - Offset is implemented within the same watershed
 - Proposed offset addresses the POC of the watershed
 - Tracking system is established for the watershed
 - Mitigation is applied for retrofit or redevelopment
 - Offset project is completed prior to beginning the proposed construction
 - A legal mechanism is established to implement the banking and credit system
- b. *Develop (for newly authorized MS4s), implement, and provide adequate resources for a program to inspect development and re-development sites by trained staff and to enforce and employ sanctions;*
- c. *Develop (for newly authorized MS4s), record, annually assess and modify as needed measurable goals; and*
- d. *Select and implement appropriate post-construction stormwater BMPs and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP.*

Required SWMP Reporting

- e. Program *implementation* reporting for continuing *covered entities* (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
- i. number and type of sanctions;
 - ii. number and type of post-construction stormwater management practices;
 - iii. number and type of post-construction stormwater management practices inspected;
 - iv. number and type of post-construction stormwater management practices maintained;
 - v. status of regulatory mechanism, equivalent mechanism, that regulatory mechanism is equivalent ; and
 - vi. report on effectiveness of program, *BMP* and *measurable goal* assessment, and implementation of a banking and credit system, if applicable.
- f. Program reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:

(Part VIII.A.5.f.)

i. program *development* deadlines and reporting:

Initiate by end of Year 1; complete by end of Year 3:

- mechanism of post-construction stormwater management - by end of Year 3 certify that mechanisms will assure compliance with the NYS Construction General Permit (GP-0-10-001);

Initiate by end of Year 2; complete by end of Year 3:

- procedures for inspection and maintenance of post-construction management practices; and
- procedures for enforcement and penalization of violators;

ii. program *implementation* reporting as set forth in Part VIII.A.5(e). Commence *implementation* reporting after three year development period. *Implementation* reporting may begin earlier if *implementation* begins during *development* period.

**6. Pollution Prevention/Good Housekeeping For Municipal Operations
SWMP Development / Implementation**

At a minimum, all *covered entities* must:

- a. *Develop (for newly authorized MS4s) and implement* a pollution prevention / good housekeeping program for *municipal* operations and facilities that:
 - i. addresses *municipal* operations and facilities that contribute or potentially contribute *POCs* to the *small MS4* system. The operations and facilities may include, but are not limited to: street and bridge maintenance; winter road maintenance; stormwater system maintenance; vehicle and fleet maintenance; park and open space maintenance; municipal building maintenance; solid waste management; new construction and land disturbances; right-of-way maintenance; marine operations; hydrologic habitat modification, or other;
 - ii. includes the performance and documentation of a self assessment of all municipal operations to:
 - determine the sources of pollutants potentially generated by the *covered entity's* operations and facilities; and
 - identify the *municipal* operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it is not done already;
 - iii. determines *management practices*, policies, procedures, etc. that will be *developed* and *implemented* to reduce or prevent the discharge of (potential)

(Part VIII.A.6.a.iii.)

pollutants. Refer to *management practices* identified in the “NYS Pollution Prevention and Good Housekeeping Assistance Document” or other guidance materials available from the EPA, the *State*, or other organizations;

- iv. prioritizes pollution prevention and good housekeeping efforts based on geographic area, potential to improve water quality, facilities or operations most in need of modification or improvement, and *covered entity's* capabilities;
 - v. addresses pollution prevention and good housekeeping priorities;
 - vi. includes an employee pollution prevention and good housekeeping training program and ensure that staff receive and utilize training;
 - vii. requires third party entities performing contracted services, including but not limited to, street sweeping, snow removal, lawn / grounds care, etc., to make the necessary certification in Part IV.G; and
 - viii. requires *municipal* operations and facilities that would otherwise be subject to the NYS Multisector General Permit (MSGP, GP-0-06-002) for industrial stormwater discharges to prepare and *implement* provisions in the SWMP that comply with Parts III. A, C, D, J, K and L of the MSGP. The covered entity must also perform monitoring and record keeping in accordance with Part IV. of the MSGP. Discharge monitoring reports must be attached to MS4 annual report. Those operations or facilities are not required to gain coverage under the MSGP. *Implementation* the above noted provisions of the SWMP will ensure that MEP is met for discharges from those facilities;
- b. Consider and incorporate cost effective runoff reduction techniques and green infrastructure in the routine upgrade of the existing stormwater conveyance systems and municipal properties to the MEP. Some examples include replacement of closed drainage with grass swales, replacement of the existing islands in parking lots with rain garden, or curb cuts to route the flow through below grade infiltration areas or other low cost improvements that provide runoff treatment or reduction.
 - c. *Develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals ; and*

(Part VIII.A.6.)

- d. Select and implement appropriate pollution prevention and good housekeeping *BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.
- e. Adopt techniques to reduce the use of fertilizers, pesticides, and herbicides, as well as potential impact to surface water.

Required SWMP Reporting

- f. **Program *implementation* reporting for continuing *covered entities*** (MS4s covered for 3 or more years on the *reporting date*). *Covered entities* are required to report on all *municipal* operations and facilities within their jurisdiction (*urbanized area* and *additionally designated area*) that their program is addressing. The *covered entity* shall report at a minimum on the items below:
 - i. indicate the *municipal* operations and facilities that the pollution prevention and good housekeeping program assessed;
 - ii. describe, if not done so already, the management practices, policies and procedures that have been developed, modified, and / or implemented and report, at a minimum, on the items below that the *covered entity's* pollution prevention and good housekeeping program addresses during the reporting year:
 - acres of parking lot swept;
 - miles of street swept;
 - number of catch basins inspected and, where necessary, cleaned;
 - post-construction control stormwater management practices inspected and, where necessary, cleaned;
 - pounds of phosphorus applied in chemical fertilizer
 - pounds of nitrogen applied in chemical fertilizer; and
 - acres of pesticides / herbicides applied.
 - iii. staff training events and number of staff trained; and
 - iv. report on effectiveness of program, *BMP* and *measurable goal* assessment. If the pollution prevention and good housekeeping program addresses other operations than what is listed above in Part VIII.A.6.a(ii), the *covered entity* shall report on items that will demonstrate program effectiveness.
- g. Reporting for **newly regulated *covered entities*** (MS4s covered for less than 3 years on the *reporting date*). *Covered entities* are required to report on all *municipal* operations and facilities within their jurisdiction (*urbanized area* and *additionally*

(Part VIII.A.6.g.)

designated area) that their program is addressing. The *covered entity* shall report at a minimum on the items below:

i. program *development* deadlines and reporting:

Complete by end of Year 1:

- identify the municipal operations and facilities that will be considered for inclusion in the pollution prevention and good housekeeping program;
- describe the pollution prevention and good housekeeping program priorities (geographic area, potential to improve water quality; facilities or operations most in need of modification or improvement);
- describe management practices, policies, procedures, etc. that will be developed or modified;
- identify the staff and equipment available;

Initiate by Year 2; complete Year 3:

- describe employee pollution prevention and good housekeeping program training program and begin training, report on number of staff trained;

Complete by end of Year 3:

- description of developed management practices.

ii. program *implementation* reporting as set forth in Part VIII.A.6(d) above.

Commence *implementation* reporting after three year *development* permit.

Implementation reporting may begin earlier if *implementation* begins during *development* period.

Part IX. WATERSHED IMPROVEMENT STRATEGY REQUIREMENTS

The covered entities in the watershed improvement strategy areas must develop or modify their SWMP to address the watershed specific additional requirements to achieve the pollutant load reduction by the deadline as defined in the Tables in Part IX of this general SPDES permit. The Pollutant Load Reductions are the reductions necessary from the discharge loads associated with MS4s that, when combined with reductions in the discharge loads from non-MS4s to the waterbody, will meet water quality standards. The calculated reductions are based on TMDL models and may be recalculated according to 40CFR Part 130.

The MS4 portion of the pollutant load reduction shall be achieved by implementation of BMPs required of all MS4s, reductions from implementation of additional BMPs for watershed improvement strategy areas including any retrofits required by this permit. These reductions are intended to be targeted and credited using models, loading factors and load reductions predicted based on the best scientific information available.

The Pollutant Load Reduction Deadlines are deadlines by which the MS4 portion of the pollutant load reduction must be met. Watershed Improvement Strategy Deadlines are the deadlines by which the watershed improvement strategy requirements for addressing the POC are to be completed and implemented. Retrofit Plan Submission Deadlines are the deadlines by which the retrofit plan component of the watershed improvement strategies are submitted to the *Department* for review and approval.

Ultimately, the effectiveness of the load reductions in meeting water quality standards will be verified by ambient monitoring of the affected waterbody. Where ambient monitoring demonstrates consistent compliance with water quality standards, the covered entity may request that the *Department* suspend the additional BMP requirements to install stormwater retrofits.

(Part IX.)

A. New York City East of Hudson Watershed MS4s - (Mapped in Appendix 3)

Table IX.A - Pollutant Load Reduction and Timetable for New York City East of Hudson Phosphorus Watershed Improvement Strategy Area

Watershed	Watershed Improvement Strategy Deadline	Retrofit Plan Submission Deadline	Pollutant Load Reduction (Load Allocation)	Pollutant Load Reduction Deadline
New York City East of Hudson Watershed	05/01/2011	03/09/ 2009 (single) and 12/ 31/2009 (RSE)	In accordance with the TMDL Implementation Plan	03/09/2019 (single) 12/31/2019 (RSE)

By the deadline defined in the Table IX. A, covered entities in these watersheds shall, in addition to the requirements in Part VII or VIII, depending on the type of the MS4, develop and implement the following minimum control measures for areas within their jurisdiction and their storm sewersheds:

1. Public Education and Outreach on Stormwater Impacts- applicable to *traditional land use control, traditional non-land use control* and *non-traditional MS4s*.

- a. Plan and conduct an ongoing public education and outreach program designed to describe the impacts of phosphorus (the *POC*) on waterbodies. The program must identify potential sources of phosphorus in *stormwater* runoff and describe steps that contributors can take to reduce the concentration of this *POC* in *stormwater* runoff. The program must also describe steps that contributors of non-*stormwater* discharges (Part I.A.2) can take to reduce phosphorus.
- b. Develop, or acquire if currently available, specific educational material dealing with sources of phosphorus in *stormwater* and pollutant reduction practices. At a minimum, the educational material should address the following topics:
 - i. understanding the phosphorus issue;
 - ii. septic systems as a source of phosphorus;
 - iii. phosphorus concerns with fertilizer use;
 - iv. phosphorus concerns with grass clippings and leaves entering streets and storm sewers;
 - v. construction sites as a source of phosphorus; and

(Part IX.A.1.b.)

- vi. phosphorus concerns with detergent use.

2. Public Involvement/ Participation

No additional requirements proposed for this permit term.

3. Illicit Discharge Detection and Elimination

- a. Mapping - applicable to *traditional land use control*, *traditional non-land use control* and *non-traditional MS4s*.

Develop and maintain a map showing the entire *small MS4* conveyance system. The *covered entity* shall complete the mapping of approximately 20% of the system every year, with the entire system being mapped by January 8, 2013.

At a minimum, the map and/or supportive documentation for the conveyance system should include the following information:

- i. type of conveyance system - closed pipe or open drainage;
- ii. for closed pipe systems - pipe material, shape, and size;
- iii. for open drainage systems - channel/ditch lining material, shape, and dimensions; location and dimensions of any culvert crossings;
- iv. drop inlet, catch basin, and manhole locations; and
- v. number and size of connections (inlets/outlets) to catch basins and manholes, direction of flow.

All information shall be prepared in digital format suitable for use in GIS software and in accordance with the *Department's* guidance on Illicit Discharge Detection and Elimination. The scale shall be 1:24,000 or better.

- b. On-site wastewater systems - applicable to *traditional land use control* and *traditional non-land use control MS4s*.

- *Develop, implement* and enforce a program that ensures that on-site sanitary systems designed for less than 1000 gallons per day (septic systems, cesspools, including any installed absorption fields) are inspected at a minimum frequency of once every five years and, where necessary, maintained or rehabilitated. Regular field investigations/inspections should be done in accordance with the most current

(Part IX.A.3.b.)

version of the EPA publication entitled Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment, to detect the presence of ongoing and/or intermittent on-site sanitary discharges to the storm sewer system. An advanced system inspection requiring completion by a certified professional is not required by this permit, but may be used where site specific conditions warrant. Program development shall include the establishment of the necessary legal authority to implement the program.

4. Construction Site Stormwater Runoff Control- applicable to *traditional land use control MS4s*.

- a. *Develop, implement and enforce a program to reduce pollutants in stormwater runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to five thousand (5000) square feet. At a minimum, the program must provide equivalent protection to the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activity and must include the development and implementation of:*
 - i. by December 31, 2009, an ordinance or other regulatory mechanism that requires erosion and sediment controls designed in accordance with the most current version of the technical standard New York State Standards and Specifications for Erosion and Sediment Control for all construction activities that disturb between five thousand (5000) square feet and one acre of land. For construction activities that disturb between five thousand (5000) square feet and one (1) acre of land, one of the standard erosion and sediment control plans included in Appendix E (Erosion & Sediment Control Plan For Small Homesite Construction) of the New York Standards and Specifications for Erosion and Sediment Control may be used as the Stormwater Pollution Prevention Plan (SWPPP);
 - ii. policy and procedures for the *covered entity* to perform, or cause to be performed, compliance inspections at all sites with a disturbance of one (1) or more acres. By December 31, 2009, the *covered entity* shall have started performing, or cause to be performed, compliance inspections at all sites with a disturbance between five thousand (5000) square feet and one (1) acre of land;

5. Post-Construction Stormwater Management

- a. Construction stormwater program - applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s*.

(Part IX.A.5.a.)

Develop, *implement* and enforce a program to address post-construction *stormwater* runoff from new development and redevelopment projects that disturb greater than or equal to one (1) acre. This includes projects of less than one acre that are part of a larger common plan of development or sale. At a minimum, the program must provide equivalent protection to the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activity and must include the *development* and *implementation* of:

- i. a law or other mechanism that requires post-construction stormwater management controls designed in accordance with the most current version of the technical standards the New York State Stormwater Management Design Manual including the Enhanced Phosphorus Removal Design Standards. An MS4 must ensure that their ordinance or other mechanism requires post-construction stormwater management controls to be designed in accordance with the final version of the Enhanced Phosphorus Removal Design Standards by September 30, 2008 .
- b. Retrofit program - applicable to *traditional land use control, traditional non-land use control* and *non-traditional MS4s*.

Develop and commence implementation of a Retrofit Program that addresses runoff from sites to correct or reduce existing erosion and/or pollutant loading problems, with a particular emphasis placed on the pollutant phosphorus. At a minimum, the MS4 shall:

- i. establish procedures to identify sites with erosion and/or pollutant loading problems;
- ii. establish policy and procedures for project selection. Project selection should be based on the phosphorus reduction potential of the specific retrofit being constructed/installed; the ability to use standard, proven technologies; and the economic feasibility of constructing/installing the retrofit. As part of the project selection process, the *covered entity* should participate in locally based watershed planning efforts which involve the *Department*, other *covered entities*, stakeholders and other interested parties;
- iii. establish policy and procedures for project permitting, design, funding, construction and maintenance.

(Part IX.A.5.b.)

- iv. for covered entities that develop their own retrofit program, by March 9, 2009 develop and submit approvable plans with schedules for completing retrofit projects, including identification of funding sources. Upon DEC approval of those schedules, the plans and schedules shall become enforceable requirements of this permit.
- v. pursuant to Part IV. B (Cooperation Between Covered entities Encouraged), retrofit projects can be completed in cooperation with other covered entities in the East of Hudson Watershed through the formation of a cooperative entity with other MS4s. Participating MS4s shall work with the Department and other members of the cooperative entity in implementing the requirements of i, ii and iii above. In addition, each covered entity that becomes a member of the cooperative entity shall work closely with the Department and other members of the cooperative entity to, by December 31, 2009, develop and submit approvable plans and schedules for completing retrofit projects, including identification of funding sources. Upon DEC approval of those plans and schedules, the plans and schedules shall become enforceable requirements of this permit.

6. Pollution Prevention/Good Housekeeping For Municipal Operations- applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s.*

- a. By December 31, 2009, develop and implement a Stormwater Conveyance System inspection and maintenance program. At a minimum, the program shall include the following:
 - i. policy and procedures for the inspection and maintenance of catch basin and manhole sumps. Catch basin and manhole sumps should be inspected in the early spring and late fall for sediment and debris build-up. If sediment and debris fills greater than 50% of the sump volume, the sump should be cleaned. All sediment and debris removed from the catch basins and manholes shall be properly disposed of;
 - ii. policy and procedures for the inspection, maintenance and repair of conveyance system *outfalls*. Beginning June 30, 2008, the MS4 must inspect 20% of their *outfalls* each year and make repairs as necessary. All outfall protection and/or bank stability problems identified during the inspection shall be corrected in accordance with the New York Standards and Specifications for Erosion and Sediment Control;

(Part IX.A.6.a.)

- iii. policy and procedures for the inspection, maintenance and repair of a *covered entity's* stormwater management practices. The inspection and maintenance schedule for all stormwater management practices shall assure continued operation of stormwater management practices; and
 - iv. develop a Corrective Action Plan for each Stormwater Conveyance System component that has been identified as needing repair. A file of all corrective actions implemented and *illicit discharges* detected and repaired should be maintained for a period of not less than five years.
- b. By December 31, 2010, develop and implement a turf management practices and procedures policy. The policy shall address the following:
- i. procedures for proper fertilizer application on municipally-owned lands. The application of any phosphorus-containing fertilizer (as labeled) shall only be allowed following a proper soil test and analysis documenting that soil phosphorus concentrations are inadequate;
 - ii. procedures for the proper disposal of grass clippings from municipally-owned lawns where grass clipping collection equipment is used. Grass clippings shall be disposed of in a compost pile or a proper containment device so that they cannot enter the *small MS4* or surface waters;
 - iii. procedures for the proper disposal of leaves from municipally-owned lands where leaves are collected. Leaves shall be disposed of in a compost pile or a proper containment device so that they cannot enter *small MS4s* or surface waters;
 - iv. for municipalities with lawn waste collection programs, the development of a curbside lawn waste management policy which ensures that lawn waste does not decay and release phosphorus to the storm sewer system; and
 - v. the planting of wildflowers and other native plant material to lessen the frequency of mowing and the use of chemicals to control vegetation.

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B. Other Phosphorus Watershed MS4s (Mapped in Appendices 4, 5, and 10)

Table IX.B - Pollutant Load Reduction and Timetable for Other Phosphorus Watershed Improvement Strategy Areas

Watershed	Watershed Improvement Strategy Deadline	Retrofit Plan Submission Deadline	Pollutant Load Reduction (Waste Load Allocation %*)	Pollutant Load Reduction Deadline
Greenwood Lake	05/01/2011	03/09/2011	43* (load allocation)	03/09/2011
Onondaga Lake	TMDL approval + 3 years	TMDL approval + 3 years	TBD	TMDL approval + 13 years
Oscawana Lake	05/01/2013	Not Applicable	18	2020

By the deadline defined in the Table IX.B, covered entities in these watersheds shall, in addition to the requirements in Part VII or VIII, depending on the type of the MS4, develop and implement the following minimum control measures for areas within the permittee's jurisdiction and the covered entities's storm sewersheds:

1. Public Education and Outreach on Stormwater Impacts- applicable to *traditional land use control*, *traditional non-land use control* and *non-traditional MS4s*.

- a. Plan and conduct an ongoing public education and outreach program designed to describe the impacts of phosphorus (the POC) on waterbodies. The program must identify potential sources of Phosphorus in stormwater runoff and describe steps that contributors can take to reduce Phosphorus in stormwater runoff.
- b. develop, or acquire if currently available, specific educational material dealing with sources of Phosphorus in stormwater and pollutant reduction practices. At a minimum, the educational material should address the following topics:
 - i. understanding the phosphorus issue;
 - ii. septic systems as a source of phosphorus; and
 - iii. phosphorus concerns with fertilizer use.

2. Public Involvement/ Participation

No additional requirements proposed for at this time.

3. Illicit Discharge Detection and Elimination applicable to *traditional land use control* and *traditional non-land use control* MS4s, except within the Onondaga Lake Watershed.

- a. *Develop, implement* and enforce a program that ensures that on-site sanitary systems designed for less than 1000 gallons per day (septic systems, cesspools, including any installed absorption fields) are inspected at a minimum frequency of once every five

(Part IX.B.3.a.)

years and, where necessary, maintained or rehabilitated. Conduct of regular field investigations/inspections should be done in accordance with the most current version of the EPA publication entitled Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment, to detect the presence of ongoing and/or intermittent on-site sanitary discharges to the storm sewer system. An advanced system inspection requiring completion by a certified professional is not required by this permit, but may be used where site specific conditions warrant. Program development shall include the establishment of the necessary legal authority to implement the program.

4. Construction Site Stormwater Runoff Control

No additional requirements at this time.

5. Post-Construction Stormwater Management, - applicable to *traditional land use*, *traditional non-land use control* and *non-traditional MS4s*.

- a. The *covered entity* must require the use of the “Enhanced Phosphorus Removal Design Standards” in accordance with NYS Stormwater Design Manual;
- b. *Develop* and commence implementation of a Retrofit Program that addresses runoff from sites to correct or reduce existing erosion and/or pollutant loading problems, with a particular emphasis placed on the pollutant Phosphorus. At a minimum, the MS4 shall:
 - i. establish procedures to identify sites with erosion and/or pollutant loading problems;
 - ii. establish policy and procedures for project selection. Project selection should be based on the Phosphorus reduction potential of the specific retrofit being constructed/installed; the ability to use standard, proven technologies; and the economic feasibility of constructing/installing the retrofit. As part of the project selection process, the *covered entity* should participate in locally based watershed planning efforts which involve the *Department*, other *covered entities*, stakeholders and other interested parties;
 - iii. establish policy and procedures for project permitting, design, funding, construction and maintenance

(Part IX.B.5.)

- iv. by the date specified for each watershed in the appropriate Watershed Improvement Strategy Requirement Table develop and submit approvable plans and schedules for completing retrofit projects, including identification of funding sources. Upon DEC approval of those plans and schedules, the plans and schedules shall become enforceable requirements of this permit.

6. Pollution Prevention/Good Housekeeping For Municipal Operations applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s.*

- a. Develop a turf management practices and procedures policy. The policy should address the following:
 - i. procedures for proper fertilizer application on municipally-owned lands. The application of any phosphorus-containing fertilizer (as labeled) shall only be allowed following a proper soil test and analysis documenting that soil phosphorus concentrations are inadequate; and
 - ii. the planting of native plant material to lessen the frequency of mowing and the use of chemicals to control vegetation.

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C. Pathogen Impaired Watershed MS4s (Mapped in Appendix 6, 7 and 9)

Table IX.C - Pollutant Load Reduction and Timetable for Pathogen Impaired Watershed Improvement Strategy Areas

Watershed	Watershed Improvement Strategy Deadline	Retrofit Plan Submission Deadline	Pollutant Load Reduction (Waste Load Allocation %)	Pollutant Load Reduction Deadline
Budds Pond*	05/01/2013	09/30/2012	61	09/30/2022
Stirling Creek*	05/01/2013	09/30/2012	28	09/30/2022
Town & Jockey Creeks*	05/01/2013	09/30/2012	76	09/30/2022
Goose Creek*	05/01/2013	09/30/2012	70	09/30/2022
Hashamomuck Pond, Zone HP-1*	05/01/2013	09/30/2012	77	09/30/2022
Hashamomuck Pond, Zone HP-2*	05/01/2013	09/30/2012	43	09/30/2022
Richmond Creek*	05/01/2013	09/30/2012	71	09/30/2022
Deep Hole Creek*	05/01/2013	09/30/2012	29	09/30/2022
James Creek*	05/01/2013	09/30/2012	51	09/30/2022
Flanders Bay	05/01/2011	03/09/2011	98	03/09/2021
Reeves Bay	05/01/2011	03/09/2011	97	03/09/2021
Sebonac Creek	05/01/2011	03/09/2011	58	03/09/2021
North Sea Harbor, Zone NSH-1	05/01/2011	03/09/2011	97	03/09/2021
North Sea Harbor, Zone NSH-2	05/01/2011	03/09/2011	62	03/09/2021
North Sea Harbor, Zone NSH-3	05/01/2011	03/09/2011	99	03/09/2021
North Sea Harbor, Zone NSH-5	05/01/2011	03/09/2011	74	03/09/2021
Wooley Pond	05/01/2011	03/09/2011	97	03/09/2021
Noyac Creek, Zone NC-1	05/01/2011	03/09/2011	64	03/09/2021
Sag Harbor, Zone SH-2*	05/01/2013	09/30/2012	50	09/30/2022
Northwest Creek*	05/01/2013	09/30/2012	76	09/30/2022
Acabonac Harbor, Zone AH-2*	05/01/2013	09/30/2012	42	09/30/2022
Acabonac Harbor, Zone AH-3*	05/01/2013	09/30/2012	85	09/30/2022
Acabonac Harbor, Zone AH-4*	05/01/2013	09/30/2012	81	09/30/2022
Acabonac Harbor, Zone AH-5*	05/01/2013	09/30/2012	87	09/30/2022
Montauk Lake, Zone LM-1*	05/01/2013	09/30/2012	52	09/30/2022
Montauk Lake, Zone LM-2*	05/01/2013	09/30/2012	52	09/30/2022
Montauk Lake, Zone LM-3*	05/01/2013	09/30/2012	48	09/30/2022
Little Sebonac Creek	05/01/2011	03/09/2011	70	03/09/2021
Oyster Bay (Harbor 2)	05/01/2011	03/09/2011	20	03/09/2021
Oyster Bay (Harbor 3)	05/01/2011	03/09/2011	90	03/09/2021

*Additionally Designated Area

Watershed	Enhanced Plan Implementation Deadline	First Retrofit Plan Submission Deadline	Pollutant Reduction (Waste Load Allocation %)	Pollutant Load Reduction Deadline
Hempstead Harbor, north, and tidal tributaries	05/01/2013	09/30/2012	95	09/30/2022
Cold Spring Harbor, and tidal tributaries, Inner	05/01/2013	09/30/2012	95	09/30/2022
Cold Spring Harbor, Eel Creek	05/01/2013	09/30/2012	90	09/30/2022
Huntington Harbor	05/01/2013	09/30/2012	89	09/30/2022
Centerport Harbor	05/01/2013	09/30/2012	91	09/30/2022
Northport Harbor	05/01/2013	09/30/2012	92	09/30/2022
Stony Brook Harbor and West Meadow Creek, Inner	05/01/2013	09/30/2012	99	09/30/2022
Stony Brook Creek	05/01/2013	09/30/2012	99	09/30/2022
Stony Brook Yacht Club	05/01/2013	09/30/2012	48	09/30/2022
Stony Brook Harbor, Westmeadow Creek	05/01/2013	09/30/2012	99	09/30/2022
Setauket Harbor, Little Bay	05/01/2013	09/30/2012	84	09/30/2022
Setauket Harbor, East Setauket	05/01/2013	09/30/2012	79	09/30/2022
Setauket Harbor, Poquot	05/01/2013	09/30/2012	100	09/30/2022
Mt. Sinai Harbor, Crystal Brook	05/01/2013	09/30/2012	88	09/30/2022
Mt. Sinai Harbor, Inner Harbor	05/01/2013	09/30/2012	96	09/30/2022
Mt. Sinai Harbor, Pipe Stave Hollow	05/01/2013	09/30/2012	93	09/30/2022
Mattituck Inlet/Creek, Low, and tidal tributaries	05/01/2013	09/30/2012	64	09/30/2022
Goldsmith Inlet	05/01/2013	09/30/2012	91	09/30/2022
West Harbor, Fishers Island, Davloy Cove	05/01/2013	09/30/2012	41	09/30/2022
Georgica Pond, Upper	05/01/2013	09/30/2012	93	09/30/2022

Georgica Pond, Lower	05/01/2013	09/30/2012	93	09/30/2022
Georgica Pond Cove	05/01/2013	09/30/2012	92	09/30/2022
Sagaponack Pond	05/01/2013	09/30/2012	88	09/30/2022
Mecox Bay and tributaries	05/01/2013	09/30/2012	89	09/30/2022
Heady Creek and tributaries	05/01/2013	09/30/2012	88	09/30/2022
Taylor Creek and tributaries	05/01/2013	09/30/2012	52	09/30/2022
Penny Pond	05/01/2013	09/30/2012	31	09/30/2022
Weesuck Creek and tidal tributaries	05/01/2013	09/30/2012	37	09/30/2022
Penniman Creek and tidal tributaries	05/01/2013	09/30/2012	32	09/30/2022
Ogden Pond	05/01/2013	09/30/2012	28	09/30/2022
Quantuck Bay	05/01/2013	09/30/2012	91	09/30/2022
Quantuck Canal/Moneybogue Bay	05/01/2013	09/30/2012	62	09/30/2022
Seatuck Cove	05/01/2013	09/30/2012	94	09/30/2022
Harts Cove	05/01/2013	09/30/2012	12	09/30/2022
Narrow Bay	05/01/2013	09/30/2012	16	09/30/2022
Bellport Bay, Beaver Dam Creek	05/01/2013	09/30/2012	94	09/30/2022
Bellport Bay, West Cove	05/01/2013	09/30/2012	94	09/30/2022
Patchogue Bay, Swan River	05/01/2013	09/30/2012	90	09/30/2022
Patchogue Bay, Mud Creek	05/01/2013	09/30/2012	71	09/30/2022

By the deadline defined in the Table IX.C, *covered entities* in these watersheds shall, in addition to the requirements in Part VII. or VIII., depending on the type of the MS4, develop and implement the following MCMs for areas within the *covered entity's* jurisdiction and the covered entities's storm sewersheds:

(Part IX.C.)

1. Public Education and Outreach on Stormwater Impacts- applicable to *traditional land use control, traditional non-land use control* and *non-traditional MS4s*

a. Plan and conduct an ongoing public education and outreach program designed to describe the impacts of Pathogens (the *POC*) on waterbodies. The program must identify potential sources of Pathogens in *stormwater* runoff and describe steps that contributors can take to reduce the Pathogens in *stormwater* runoff. The program must also describe steps that contributors of non-*stormwater discharges* can take to reduce Pathogens.

b. *Develop*, or acquire if currently available, specific educational material dealing with sources of Pathogens in *stormwater* and pollutant reduction practices. At a minimum, the educational material should address the following topics:

i. where, why, and how Pathogens pose threats to the environment and to the community;

ii. septic systems, geese and pets as a source of pathogens;

iii. dissemination of educational materials / surveys to households/businesses in proximity to Pathogen *TMDL* waterbodies; and

iv. education for livestock / horse boarders regarding manure *BMPs*.

2. Public Involvement / Participation

No additional requirements proposed at this time.

3. Illicit Discharge Detection and Elimination, SWMP Development / Implementation- Mapping applicable to *traditional land use control* and *traditional non-land use control MS4s*.

a. Develop, implement, and enforce a program to detect and eliminate discharges to the municipal separate storm sewer system from on-site sanitary systems in areas where factors such as shallow groundwater, low infiltrative soils, historical on-site sanitary system failures, or proximity to pathogen-impaired waterbodies, indicate a reasonable likelihood of system discharge.

In such areas, ensure that on-site sanitary systems designed for less than 1000 gallons per day (septic systems, cesspools, including any installed absorption fields) are inspected at a minimum frequency of once every five years and, where necessary, maintained or rehabilitated. Conduct regular field investigations/inspections in accordance with the most current version of the EPA publication entitled Illicit Discharge

(Part IX.C.3.a.)

Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment, to detect the presence of ongoing and/or intermittent on-site sanitary discharges to the storm sewer system. An advanced system inspection requiring completion by a certified professional is not required by this permit, but may be used where site specific conditions warrant.

On-site sanitary system IDDE program development shall include the establishment of the necessary legal authority (such as new or revised local laws) for implementation and enforcement.

b. Develop and maintain a map showing the entire *small MS4* conveyance system. The *covered entity* shall complete the mapping of approximately 20% of the system every year, with the entire system being mapped by May 1, 2015. At a minimum, the map and/or supportive documentation for the conveyance system shall include the following information:

- i. type of conveyance system - closed pipe or open drainage;
- ii. for closed pipe systems - pipe material, shape, and size;
- iii. for open drainage systems - channel/ditch lining material, shape, and dimensions; location and dimensions of any culvert crossings;
- iv. drop inlet, catch basin, and manhole locations; and
- v. number and size of connections (inlets/outlets) to catch basins and manholes, direction of flow.

All information shall be prepared in digital format suitable for use in GIS software and in accordance with the *Department's* guidance on Illicit Discharge Detection and Elimination. The scale shall be 1:24000 or better.

4. Construction Site Stormwater Runoff Control

No additional requirements at this time.

5. Post-Construction Stormwater Management- applicable to *traditional land use control*, *traditional non-land use control* and *non-traditional MS4s*.

Develop and commence implementation of a Retrofit Program that addresses runoff from sites to correct or reduce pollutant loading problems, with a particular emphasis placed on the pollutant Pathogens. At a minimum, the MS4 shall:

- a. establish procedures to identify sites with erosion and/or pollutant loading problems;

(Part IX.C.5.)

- b. establish policy and procedures for project selection. Project selection should be based on the Pathogen reduction potential of the specific retrofit being constructed/installed; the ability to use standard, proven technologies; and the economic feasibility of constructing/installing the retrofit. As part of the project selection process, the *covered entity* should participate in locally based watershed planning efforts which involve the *Department*, other *covered entities*, stakeholders and other interested parties;
- c. establish policy and procedures for project permitting, design, funding, construction and maintenance
- d. by March 9, 2011, develop and submit approvable plans and schedules for completing retrofit projects. Upon DEC approval of those plans and schedules and identification of funding sources, the plans and schedules shall become enforceable requirements of this permit.

6. Pollution Prevention/Good Housekeeping For Municipal Operations, - applicable to *traditional land use control* and traditional non-land use control MS4s.

- a. *Develop*, enact and enforce a local law prohibiting pet waste on municipal properties and prohibiting goose feeding.
- b. *Develop* and *implement* a pet waste bag program for collection and proper disposal of pet waste.
- c. *Develop* a program to manage goose populations.

(Part IX.)

D. Nitrogen Watershed MS4s (Mapped in Appendix 8)

Table IX.D - Pollutant Load Reduction and Timetable for Nitrogen Watershed Improvement Strategy Area

Watershed	Watershed Improvement Strategy Deadline	Retrofit Plan Submission Deadline	Pollutant Reduction (Load Allocation %)	Pollutant Load Reduction Deadline
Peconic Bay	05/01/2011	03/09/2011	15	03/09/2021

By the deadline defined in the Table IX.D, covered entities in these watersheds shall, in addition to the requirements in Part VII or VIII, depending on the type of the MS4, develop and implement the following minimum control measures for areas within the covered entity's jurisdiction and the covered entities' storm sewersheds:

1. Public Education and Outreach on Stormwater Impacts - applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s*.

- a. Plan and conduct an ongoing public education and outreach program designed to describe the impacts of Nitrogen (the POC) on waterbodies. The program must identify potential sources of Nitrogen in stormwater runoff and describe steps that contributors can take to reduce the Nitrogen in stormwater runoff.
- b. develop, or acquire if currently available, specific educational material dealing with sources of Nitrogen in stormwater and pollutant reduction practices. At a minimum, the educational material should address the following topics:
 - i. understanding the Nitrogen issue;
 - ii. septic systems as a source of Nitrogen; and
 - iii. Nitrogen concerns with fertilizer use.

2. Public Involvement/ Participation

No additional requirements proposed for at this time.

3. Illicit Discharge Detection and Elimination - applicable to *traditional land use control and traditional non-land use control MS4s*

(Part IX.D.3.)

a. Develop and maintain a map showing the entire small MS4 conveyance system. The covered entity shall complete the mapping of approximately 20% of the system every year, with the entire system being mapped by May 1, 2015. At a minimum, the map and/or supportive documentation for the conveyance system shall include the following information:

- i. type of conveyance system - closed pipe or open drainage;
- ii. for closed pipe systems - pipe material, shape, and size;
- iii. for open drainage systems - channel/ditch lining material, shape, and dimensions; location and dimensions of any culvert crossings;
- iv. drop inlet, catch basin, and manhole locations; and
- v. number and size of connections (inlets/outlets) to catch basins and manholes, direction of flow.

All information shall be prepared in digital format suitable for use in GIS software and in accordance with the *Department's* guidance on Illicit Discharge Detection and Elimination. The scale shall be 1:24000 or better.

4. Construction Site Stormwater Runoff Control

No additional requirements at this time.

5. Post-Construction Stormwater Management - applicable to *traditional land use control*, *traditional non-land use control* and *non-traditional MS4s*.

Develop and commence implementation of a Retrofit Program that addresses runoff from sites to correct or reduce existing erosion and/or pollutant loading problems, with a particular emphasis placed on the pollutant Nitrogen. At a minimum, the MS4 shall:

- a. establish procedures to identify sites with erosion and/or pollutant loading problems;
- b. establish policy and procedures for project selection. Project selection should be based on the Nitrogen reduction potential of the specific retrofit being constructed/installed; the ability to use standard, proven technologies; and the economic feasibility of constructing/installing the retrofit. As part of the project selection process, the *covered entity* should participate in locally based watershed planning efforts which involve the *Department*, other *covered entities*, stakeholders and other interested parties;
- c. establish policy and procedures for project permitting, design, funding, construction and maintenance; and

(Part IX.D.5.)

d. by March 9, 2011, develop and submit approvable plans and schedules for completing retrofit projects, including identification of funding sources. Upon DEC approval of those plans and schedules, the plans and schedules shall become enforceable requirements of this permit.

6. Pollution Prevention/Good Housekeeping For Municipal Operations - applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s.*

a. Develop a turf management practices and procedures policy. The policy should address the following:

- i. procedures for proper fertilizer application on municipally-owned lands. The application of any Nitrogen-containing fertilizer shall only be allowed under the supervision of a Certified Crop Advisor or Certified Landscape Architect; and
- ii. the planting of native plant material to lessen the frequency of mowing and reduce the use of chemicals to control vegetation.

Part X. ACRONYMS AND DEFINITIONS

A. Acronym List

BMP - Best Management Practice
CFR - Code of Federal Regulations
CWA - Clean Water Act
ECL - Environmental Conservation Law
MCC - Municipal Compliance Certification
MCM - Minimum Control Measure
MEP - Maximum Extent Practicable
MS4 - Municipal Separate Storm Sewer System
NPDES - National Pollutant Discharge Elimination System
POC - Pollutant of Concern
SPDES - State Pollutant Discharge Elimination System
SWMP - Stormwater Management Program
SWMP Plan - Stormwater Management Program Plan
SWPPP - Stormwater Pollution Prevention Plan
TMDL - Total Maximum Daily Load
UA - Urbanized Area

B. Definitions

Activities - See best management practice

Additionally Designated Areas - EPA required the Department to develop a set of criteria for designating additional MS4 areas as subject to these regulations. The following criteria have been adopted to designate additional MS4s in New York State:

Criteria 1: MS4s discharging to waters for which and EPA-approved TMDL required reduction of a pollutant associated with stormwater beyond what can be achieved with existing programs (and the area is not already covered under automatic designation as UA).

Criteria 2: MS4s contiguous to automatically designated urbanized areas (town lines) that discharge to sensitive waters classified as AA Special (fresh surface waters), AA (fresh surface waters) with filtration avoidance determination or SA (saline surface waters).

Criterion 3: Automatically designated MS4 areas are extended to Town, Village or City boundaries, but only for Town, Village or City implementation of Minimum Control Measures (4) Construction Site Stormwater Runoff Control and (5) Post Construction Stormwater Management in Development and Redevelopment. This additional designation may be waived, by written request to the Department, where the automatically designated area is a small portion of the total area of the Town, Village or City (less than 15 %) and where there is

little or no construction activity in the area outside of the automatically designated area (less than 5 disturbed acres per year).

Best Management Practice - means schedules activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements (if determined necessary by the covered entity), operating procedures, and practices to control runoff, spillage and leaks, sludge or waste disposal, or drainage from areas that could contribute pollutants to stormwater discharges. BMP is referred to in EPA's fact sheets and other materials. BMPs are also referred to as "activities" or "management practices" throughout this *SPDES general permit*.

Better Site Design (BSD) - Better Site Design incorporates non-structural and natural approaches to new and redevelopment projects to reduce impacts on watersheds by conserving natural areas, reducing impervious cover and better integrating stormwater treatment. Better site design is a form of Green Infrastructure and is similar to Low Impact Development (LID). See also Green Infrastructure and Low Impact Development.

Construction Activity(ies) - means any clearing, grading, excavation, demolition or stockpiling activities that result in soil disturbance. Clearing activities can include but are not limited to logging equipment operation, the cutting and skidding of trees, stump removal and/or brush root removal. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

Covered entity - means the holder of this *SPDES general permit* or an entity required to gain coverage under this *SPDES general permit*. The owner / operator of the small MS4.

Department - means the New York State Department of Environmental Conservation as well as meaning the Department's designated agent.

Development - period after initial authorization under this *SPDES general permit* when the covered entity creates, designs or develops activities, BMPs, tasks or other measures to include in their SWMP

Discharge(s) - any addition of any pollutant to waters of the State through an outlet or point source.

Discharge Authorized by a SPDES Permit - means discharges of wastewater or stormwater from sources listed in the permit, that do not violate ECL Section 17-0501, that are through outfalls listed in the permit, and that are:

1. discharges within permit limitations of pollutants limited in the SPDES permit;

2. discharges within permit limitations of pollutants limited by an indicator limit in the SPDES permit;
3. discharges of pollutants subject to action level requirements in the SPDES permit;
4. discharges of pollutants not explicitly listed in the SPDES permit, but reported in the SPDES permit application record as detected in the discharge or as something the covered entity knows or has reason to believe to be present in the discharge, provided the special conditions section of the applicable SPDES permit does not otherwise forbid such a discharge and provided that such discharge does not exceed, by an amount in excess of normal effluent variability, the level of discharge that may reasonably be expected for that pollutant from information provided in the SPDES permit application record;
5. discharges of pollutants not required to be reported on the appropriate and current New York State SPDES permit application; provided the special conditions section of the permit does not otherwise forbid such a discharge. The Department may, in accordance with law and regulation, modify the permit to include limits for any pollutant even if that pollutant is not required to be reported on the SPDES permit application; or
6. discharges from fire fighting activities; fire hydrant flushings; testing of fire fighting equipment, provided that such equipment is for water only fire suppression; potable water sources including waterline flushings; irrigation drainage; lawn watering; uncontaminated infiltration and inflow; leakage from raw water conveyance systems; routine external building washdown and vehicle washing which does not use detergents or other compounds; pavement washwaters where spills or leaks of toxic or hazardous materials, other than minor and routine releases from motor vehicles, have not occurred (unless such material has been removed) and where detergents are not used; air conditioning and steam condensate; springs; uncontaminated groundwater; and foundation or footing drains where flows are not contaminated with process materials such as solvents provided that the covered entity has implemented an effective plan for minimizing the discharge of pollutants from all of the sources listed in this subparagraph.

Environmental Conservation Law - means chapter 43-B of the Consolidated Laws of the State of New York, entitled the Environmental Conservation Law.

Green Infrastructure - Green infrastructure approaches essentially infiltrate, evapotranspire or reuse stormwater, with significant utilization of soils and vegetation rather than traditional hardscape collection, conveyance and storage structures. Common green infrastructure approaches include green roofs, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, vegetated median strips, reforestation, and protection and enhancement of riparian buffers and floodplains. See also Low Impact Development and Better Site Design.

Groundwater - means waters in the saturated zone. The saturated zone is a subsurface zone in which all the interstices are filled with water under pressure greater than that of the

atmosphere. Although the zone may contain gas-filled interstices or interstices filled with fluids other than water, it is still considered saturated.

Illicit Discharges - discharges not entirely composed of stormwater into the small MS4, except those identified in Part I.A.2. Examples of illicit discharges are non-permitted sanitary sewage, garage drain effluent, and waste motor oil. However, an illicit discharge could be any other non-permitted discharge which the covered entity or Department has determined to be a substantial contributor of pollutants to the small MS4.

Impaired Water - a water is impaired if it does not meet its designated use(s). For purposes of this permit 'impaired' refers to impaired waters for which TMDLs have been established, for which existing controls such as permits are expected to resolve the impairment, and those needing a TMDL. Impaired waters compilations are also sometimes referred to as 303(d) lists; 303(d) lists generally include only waters for which TMDLs have not yet been developed. States will generally have associated, but separate lists of impaired waters for which TMDLs have already been established.

Implementation - period after development of SWMP, where the covered entity puts into effect the practices, tasks and other activities in their SWMP.

Individual SPDES Permit - means a SPDES permit issued to a single facility in one location in accordance with this Part (as distinguished from a *SPDES general permit*).

Industrial Activity - as defined by the SPDES Multi-Sector General Permit (GP-0-06-002).

Larger Common Plan of Development or Sale - means a contiguous area where multiple separate and distinct construction activities are occurring, or will occur, under one plan. The term "plan" in "larger common plan of development or sale" is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, State Environmental Quality Review Act Application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that construction activities may occur on a specific plot.

For discrete construction projects that are located within a larger common plan of development or sale that are at least 1/4 mile apart, each project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same "common plan" is not concurrently being disturbed.

Low Impact Development - is a site design strategy with a goal of maintaining or replicating the predevelopment hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic landscape. Hydrologic functions of storage, infiltration,

and ground water recharge, as well as the volume and frequency of discharges are maintained through the use of integrated and distributed micro scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of flow paths and runoff time. Other strategies include the preservation/protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable (mature) trees, flood plains, woodlands and highly permeable soils. LID principles are based on controlling stormwater at the source by the use of micro scale controls that are distributed throughout the site. This is unlike conventional approaches that typically convey and manage runoff in large facilities located at the base of drainage areas. See also Green Infrastructure and Better Site Design.

Management Practices - See best management practices

Maximum Extent Practicable - is a technology-based standard established by Congress in the Clean Water Act §402(p)(3)(B)(iii). Since no precise definition of MEP exists, it allows for maximum flexibility on the part of MS4 operators as they develop their programs. (40CFR 122.2 See also: Stormwater Phase II Compliance Assistance Guide EPA 833-R-00-002, March 2000). When trying to reduce pollutants to the MEP, there must be a serious attempt to comply, and practical solutions may not be lightly rejected. If a covered entity chooses only a few of the least expensive methods, it is likely that MEP has not been met. On the other hand, if a covered entity employs all applicable BMPs except those where it can be shown that they are not technically feasible in the locality, or whose cost would exceed any benefit to be derived, it would have met the standard. MEP required covered entities to choose effective BMPs, and to reject applicable BMPs only where other effective BMPs will serve the same purpose, the BMPs would not be technically feasible, or the cost would be prohibitive.

Measurable Goals - are the goals of the SWMP that should reflect the needs and characteristics of the covered entity and the areas served by its small MS4. Furthermore, the goals should be chosen using an integrated approach that fully addresses the requirements and intent of the MCM. The assumption is that the program schedules would be created over a 5 year period and goals would be integrated into that time frame. For example, a larger MS4 could do an outfall reconnaissance inventory for 20% of the collection system every year so that every outfall is inspected once within the permit cycle

Municipal / Municipalities - referred to in the federal rule that describes the Phase II stormwater program includes not only the State's municipal governments (cities, towns, villages and counties), but any publicly funded entity that owns or operates a separate storm sewer system. Examples of other public entities that are included in this program include the State Department of Transportation, State University Campuses, federal and State prisons, State and federal hospitals, Thruway and Dormitory Authorities, public housing authorities, school and other special districts.

Municipal Separate Storm Sewer System - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

1. owned or operated by a State, city, town, village, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA, that discharges to surface waters of the State;
2. designed or used for collecting or conveying stormwater;
3. which is not a combined sewer; and
4. which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

National Pollutant Discharge Elimination System - means the national system for the issuance of wastewater and stormwater permits under the Federal Water Pollution Control Act (Clean Water Act).

Non-traditional MS4s - state and federal prisons, office complexes, hospitals; state: transportation agencies; university campuses, public housing authorities, schools, other special districts.

Open Meetings Law - per Public Officers Law, Article 7, Open Meetings Law, Section 104, Public notice:

1. Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given to the news media and shall be conspicuously posted in one or more designated public locations at least seventy two hours before such meeting.
2. Public notice of the time and place of every other meeting shall be given, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto.
3. The public notice provided for by this section shall not be construed to require publication as a legal notice.
4. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

Operator - the person, persons or legal entity that is responsible for the small MS4, as indicated by signing the NOI to gain coverage for the MS4 under this *SPDES general permit*.

Outfall - is defined as any point where a municipally owned and operated separate storm sewer system discharges to either surface waters of the State or to another MS4. Outfalls include discharges from pipes, ditches, swales, and other points of concentrated flow. However, areas of non-concentrated (sheet) flow which drain to surface waters of the State or to another MS4's system are not considered outfalls and should not be identified as such on the system map.

Pollutants of Concern - there are POCs that are primary (comprise the majority) sources of stormwater pollutants and others that are secondary (less likely).

- The POCs that are primarily of concern are: nitrogen, phosphorus, silt and sediment, pathogens, flow, and floatables impacting impaired waterbodies listed on the Priority Waterbody List known to come in contact with stormwater that could be discharged to that water body.
- The POCs that are secondarily of concern include but are not limited to petroleum hydrocarbons, heavy metals, and polycyclic aromatic hydrocarbons (PAHs), where stormwater or runoff is listed as the source of this impairment.
- The primary and secondary POCs can also impair waters not on the 303(d) list. Thus, it is important for the covered entity to assess known and potential POCs within the area served by their small MS4. This will allow the covered entity to address POCs appropriate to their MS4.

Qualified Professional - means a person that is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed Professional Engineer, Registered Landscape Architect or other Department endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics in order to prepare a SWPPP that conforms to the Department's technical standard. All components of the SWPPP that involve the practice of engineering, as defined by the NYS Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

Reporting Date – means the end of the annual reporting period, March 9, as indicated in Part V.C.1.

Retrofit - means modifying or adding to existing infrastructure for the purpose of reducing pollutant loadings. Examples, some of which may not be effective for all pollutants, include:

Better site design approaches such as roof top disconnection, diversion of runoff to infiltration areas, soil de-compaction, riparian buffers, rain gardens, cisterns

Rehabilitation of existing storm sewer system by installation of standard stormwater treatment systems (ponds, wetlands, filtering, infiltration) or proprietary practices

Stabilize dirt roads (gravel, stone, water bar, check dam, diversion)

Conversion of dirt parking lots to pervious pavement, grassed or stone cover

Conversion of dry detention ponds to extended detention or wetland treatment systems

Retrofit by converting abandoned buildings to stormwater treatment systems

Retrofit of abandoned building to open space

Retrofit road ditches to enhance open channel design

Control the downstream effects of runoff from existing paved surfaces resulting in flooding and erosion in receiving waters

Control stream erosion by plunge pool, velocity dissipaters, and flow control devices for discharges from conveyance systems

Upgrade of an existing conveyance system to provide water quality and /or quantity control within the drainage structure

Section 303(d) Listed Waters - Section 303(d) is part of the federal CWA that requires the Department to periodically to prepare a list of all surface waters in the State for which beneficial uses of the water – such as for drinking, recreation, aquatic habitat, and industrial use – are impaired by pollutants. These are water quality-limited estuaries, lakes, and streams that fall short of state surface water quality standards, and are not expected to improve within the next two years. Refer to impaired waters for more information.

Single entity - An entity, formed in accordance with the applicable state and/or local legislation, with a legal authority and capacity (financial, resources, etc...) that gains coverage under the MS4 general permit to implement all or parts of the MS4 program within a jurisdiction on behalf of multiple MS4s in that geographic area.

Small MS4 - MS4 system within an urbanized area or other areas designated by the State.

SPDES general permit - means a SPDES permit issued pursuant to 6 NYCRR Part 750-1.21 authorizing a category of discharges.

Staff - actual employees of the covered entity or contracted entity.

State - means the State of New York.

State Pollutant Discharge Elimination System - means the system established pursuant to Article 17 of the ECL and 6 NYCRR Part 750 for issuance of permits authorizing discharges to the waters of the state.

Stormwater - means that portion of precipitation that, once having fallen to the ground, is in excess of the evaporative or infiltrative capacity of soils, or the retentive capacity of surface features, which flows or will flow off the land by surface runoff to waters of the state.

Stormwater Management Program - the program implemented by the covered entity. Covered entities are required at a minimum to develop, implement and enforce a SWMP designed to address POCs and reduce the discharge of pollutants from the small MS4 to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements of the *ECL* and Clean Water Act. The SWMP must address the MCM described in Part VIII.

The *SWMP* needs to include *measurable goals* for each of the *BMPs*. The measurable goals will help the covered entities assess the status and progress of their program. The SWMP should:

1. describe the BMP / measureable goal;
2. identify time lines / schedules and milestones for development and implementation;
3. include quantifiable goals to assess progress over time; and
4. describe how the covered entity will address POCs.

Guidance on developing SWMPs is available from the Department on its website. Examples of successful SWMPs and suggested measurable goals are also provided in EPA's Menu of BMPs available from its website. Note that this information is for guidance purposes only. An MS4 may choose to develop or implement equivalent methods equivalent to those made available by the Department and EPA to demonstrate compliance with the MCMs.

When creating the *SWMP*, the *covered entities* should assess activities already being performed that could help meet, or be modified to meet, permit requirements and be included in the *SWMP*. *Covered entities* can create their *SWMP* individually, with a group of other individual *covered entities* or a coalition of *covered entities*, or through the work of a third party entity.

Stormwater Management Program Plan- used by the covered entity to document developed, planned and implemented SWMP elements. The *SWMP plan* must describe how pollutants in stormwater runoff will be controlled. For previously unauthorized *small MS4s* seeking coverage, information included in the NOI should be obtained from the *SWMP plan*. The *SWMP plan* is a separate document from the NOI and should not be submitted with the NOI or any annual reports unless requested.

The *SWMP plan* should include a detailed written explanation of all management practices, activities and other techniques the covered entity has developed, planned and implemented for their SWMP to address POCs and reduce pollutant discharges from their small MS4 to the MEP. The *SWMP plan* shall be revised to incorporate any new or modified *BMPs* or *measurable goals*.

Covered entities can create their *SWMP plan* individually, with a group of other individual *covered entities* or a coalition of *covered entities*, or through the work of a third party entity.

Documents to include are: applicable local laws, inter-municipal agreements and other legal authorities; staffing and staff development programs and organization charts; program budget; policy, procedures, and materials for each minimum measure; outfall and small MS4 system maps; stormwater management practice selection and measurable goals; operation and maintenance schedules; documentation of public outreach efforts and public comments; submitted construction site SWPPPs and review letters and construction site inspection reports.

The *SWMP plan* shall be made readily available to the covered entity's staff and to the public and regulators, such as *Department* and EPA staff. Portions of the *SWMP plan*, primarily policies and procedures, must be available to the management and staff of a *covered entity* that will be called upon to use them. For example, the technical standards and associated technical assistance documents and manuals for stormwater controls should be available to code enforcement officers, review engineers and planning boards. The local laws should be readily available to the town board and planning board. An integrated pest management program would have to be available to the the parks department and the stormwater outfall and available sewer system mapping and catch basin cleaning schedule would have to be available to the department of public works.

Storm sewershed - the catchment area that drains into the storm sewer system based on the surface topography in the area served by the stormsewer. Adjacent catchment areas that drain to adjacent outfalls are not separate storm sewersheds.

Surface Waters of the State - shall be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of

surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Waters of the state are further defined in 6 NYCRR Parts 800 to 941.

Storm sewers are not waters of the state unless they are classified in 6 NYCRR Parts 800 to 941. Nonetheless, a discharge to a storm sewer shall be regulated as a discharge at the point where the storm sewer discharges to waters of the state. Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Act and Environmental Conservation Law (other than cooling ponds as defined in 40 CFR 423.11(m)(see section 750 - 1.24) which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the State (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

SWPPP - as defined per the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activity or NYS DEC SPDES Multi-Sector General Permit for Stormwater Associated with Industrial Activity .

Total Maximum Daily Load - A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. It is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL stipulates wasteload allocations for point source discharges, load allocations for nonpoint sources, and a margin of safety.

Traditional Land Use Control MS4s - means a city, town or village with land use control authority.

Traditional Non-land Use Control MS4s - means any county agency without land use control.

Urbanized Area - is a land area comprising one or more places (central place(s)) and the adjacent densely settled surrounding area (urban fringe) that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile, as defined by the US Bureau of Census. Outlines the extent of automatically regulated areas, often do not extend to the political boundaries of a city, town, or village. SWMPs are only required within the UA. However, the Department encourages covered entities to voluntarily extend their SWMP programs at least to the extent of the storm sewershed that flows into the UA or extend further to their entire jurisdiction. For ease of creation and administration of local laws, ordinances or other regulatory mechanisms, these should be created to apply to the full jurisdictional boundary of municipalities.

Water Quality Standard - means such measures of purity or quality for any waters in relation to their reasonable and necessary use as promulgated in 6 NYCRR Part 700 et seq.

Part XI. RE-OPENER CLAUSE

If there is evidence indicating that the stormwater discharges authorized by this permit cause or have the reasonable potential to cause or contribute to a violation of a water quality standard, the covered entity may be required at the Department's sole discretion to obtain an individual SPDES permit or an alternative *SPDES general permit* or the permit may be modified. In addition, coverage under this permit could terminate, meaning the discharge must cease.

APPENDICES

APPENDIX 1: LIST OF NYS DEC REGIONAL OFFICES

<u>Region</u>	<u>COVERING THE FOLLOWING COUNTIES:</u>	<u>DIVISION OF ENVIRONMENTAL PERMITS (DEP) PERMIT ADMINISTRATORS</u>	<u>DIVISION OF WATER (DOW) WATER (SPDES) PROGRAM</u>
1	NASSAU AND SUFFOLK	50 CIRCLE ROAD STONY BROOK, NY 11790 TEL. (631) 444-0365	50 CIRCLE ROAD STONY BROOK, NY 11790-3409 TEL. (631) 444-0405
2	BRONX, KINGS, NEW YORK, QUEENS AND RICHMOND	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4997	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4933
3	DUTCHESS, ORANGE, PUTNAM, ROCKLAND, SULLIVAN, ULSTER AND WESTCHESTER	21 SOUTH PUTT CORNERS ROAD NEW PALTZ, NY 12561-1696 TEL. (845) 256-3059	100 HILLSIDE AVENUE, SUITE 1W WHITE PLAINS, NY 10603 TEL. (914) 428 - 2505
4	ALBANY, COLUMBIA, DELAWARE, GREENE, MONTGOMERY, OTSEGO, RENSSELAER, SCHENECTADY AND SCHOHARIE	1150 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2069	1130 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2045
5	CLINTON, ESSEX, FRANKLIN, FULTON, HAMILTON, SARATOGA, WARREN AND WASHINGTON	1115 STATE ROUTE 86, PO BOX 296 RAY BROOK, NY 12977-0296 TEL. (518) 897-1234	232 GOLF COURSE ROAD, PO BOX 220 WARRENSBURG, NY 12885-0220 TEL. (518) 623-1200
6	HERKIMER, JEFFERSON, LEWIS, ONEIDA AND ST. LAWRENCE	STATE OFFICE BUILDING 317 WASHINGTON STREET WATERTOWN, NY 13601-3787 TEL. (315) 785-2245	STATE OFFICE BUILDING 207 GENESEE STREET UTICA, NY 13501-2885 TEL. (315) 793-2554
7	BROOME, CAYUGA, CHENANGO, CORTLAND, MADISON, ONONDAGA, OSWEGO, TIOGA AND TOMPKINS	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7438	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7500
8	CHEMUNG, GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, SCHUYLER, SENECA, STEUBEN, WAYNE AND YATES	6274 EAST AVON-LIMA ROAD AVON, NY 14414-9519 TEL. (585) 226-2466	6274 EAST AVON-LIMA RD. AVON, NY 14414-9519 TEL. (585) 226-2466
9	ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, NIAGARA AND WYOMING	270 MICHIGAN AVENUE BUFFALO, NY 14203-2999 TEL. (716) 851-7165	270 MICHIGAN AVE. BUFFALO, NY 14203-2999 TEL. (716) 851-7070

APPENDIX 2: IMPAIRED SEGMENTS AND PRIMARY POLLUTANTS OF CONCERN

COUNTY	WATERBODY NAME	POLLUTANT
Albany	Ann Lee (Shakers) Pond, Stump Pond	phosphorus
Albany	Basic Creek Reservoir	phosphorus
Bronx	Van Cortlandt Lake	phosphorus
Bronx	Bronx River, Lower	pathogens
Bronx	Bronx River, Lower	floatables
Bronx	Bronx River, Middle, and tribs	pathogens
Bronx	Bronx River, Middle, and tribs	floatables
Bronx	Westchester Creek	floatables
Bronx	Hutchinson River, Lower, and tribs	floatables
Broome	Susquehanna River, Lower, Main Stem	pathogens
Broome	Whitney Point Lake/Reservoir	phosphorus
Broome	Park Creek and tribs	pathogens
Broome	Beaver Lake	phosphorus
Broome	White Birch Lake	phosphorus
Cayuga	Little Sodus Bay	phosphorus
Cayuga	Owasco Lake	pathogens
Cayuga, Tompkins	Owasco Inlet, Upper, and tribs	phosphorus
Chautauqua	Lake Erie (Dunkirk Harbor)	pathogens
Chautauqua	Chadakoin River and tribs	phosphorus
Chautauqua	Chautauqua Lake, South	phosphorus
Chautauqua	Chautauqua Lake, North	phosphorus
Chautauqua	Bear Lake	phosphorus
Chautauqua	Lower Cassadaga Lake	phosphorus
Chautauqua	Middle Cassadaga Lake	phosphorus
Chautauqua	Findley Lake	phosphorus
Chenango	Unadilla River, Lower, Main Stem	pathogens
Clinton	Lake Champlain, Main Lake, North	phosphorus
Clinton	Lake Champlain, Main Lake, Middle	phosphorus
Clinton	Great Chazy River, Lower, Main Stem	silt/sediment
Columbia	Robinson Pond	phosphorus
Columbia	Kinderhook Lake	phosphorus
Delaware	Cannonsville Reservoir	phosphorus
Dutchess	Hillside Lake	phosphorus
Dutchess	Wappinger Lakes	phosphorus
Dutchess	Wappinger Lakes	silt/sediment
Dutchess	Fall Kill and tribs	phosphorus
Dutchess	Rudd Pond	phosphorus
Erie	Ellicott Creek, Lower, and tribs	phosphorus
Erie	Ellicott Creek, Lower, and tribs	silt/sediment

COUNTY	WATERBODY NAME	POLLUTANT
Erie	Ransom Creek, Lower, and tribs	pathogens
Erie	Ransom Creek, Upper, and tribs	pathogens
Erie	Beeman Creek and tribs	phosphorus
Erie	Beeman Creek and tribs	pathogens
Erie	Murder Creek, Lower, and tribs	phosphorus
Erie	Murder Creek, Lower, and tribs	pathogens
Erie	Two Mile Creek and tribs	pathogens
Erie	Two Mile Creek and tribs	floatables
Erie	Scajaquada Creek, Lower, and tribs	floatables
Erie	Scajaquada Creek, Lower, and tribs	pathogens
Erie	South Branch Smoke Cr, Lower, and tribs	phosphorus
Erie	South Branch Smoke Cr, Lower, and tribs	silt/sediment
Erie	Rush Creek and tribs	pathogens
Erie	Rush Creek and tribs	phosphorus
Erie	Little Sister Creek, Lower, and tribs	phosphorus
Erie	Little Sister Creek, Lower, and tribs	pathogens
Essex	Lake Champlain, Main Lake, South	phosphorus
Essex	Lake Champlain, South Lake	phosphorus
Genesee	Tonawanda Creek, Middle, Main Stem	phosphorus
Genesee	Tonawanda Creek, Middle, Main Stem	silt/sediment
Genesee	Tonawanda Creek, Upper, and minor tribs	silt/sediment
Genesee	Bowen Brook and tribs	phosphorus
Genesee	Little Tonawanda Creek, Lower, and tribs	silt/sediment
Genesee	Oak Orchard Cr, Upper, and tribs	phosphorus
Genesee	Black Creek, Upper, and minor tribs	phosphorus
Genesee	Bigelow Creek and tribs	phosphorus
Greene	Schoharie Reservoir	silt/sediment
Greene	Shingle Kill and tribs	pathogens
Greene	Sleepy Hollow Lake	silt/sediment
Herkimer	Unadilla River, Middle, and minor tribs	pathogens
Herkimer	Mohawk River, Main Stem	pathogens
Herkimer	Mohawk River, Main Stem	floatables
Herkimer	Steele Creek tribs	phosphorus
Herkimer	Steele Creek tribs	silt/sediment
Jefferson	Moon Lake	phosphorus
Kings	Coney Island Creek	pathogens
Kings	Coney Island Creek	floatables
Kings	Gowanus Canal	floatables
Kings	Hendrix Creek	nitrogen
Kings	Hendrix Creek	pathogens
Kings	Hendrix Creek	floatables
Kings	Paerdegat Basin	floatables

COUNTY	WATERBODY NAME	POLLUTANT
Kings	Mill Basin and tidal tribs	floatables
Lewis	Beaver River, Lower, and tribs	pathogens
Lewis	Beaver River, Lower, and tribs	floatables
Lewis	Mill Creek/South Branch, and tribs	phosphorus
Lewis	Mill Creek/South Branch, and tribs	pathogens
Livingston	Conesus Lake	phosphorus
Livingston	Jaycox Creek and tribs	phosphorus
Livingston	Jaycox Creek and tribs	silt/sediment
Livingston	Mill Creek and minor tribs	silt/sediment
Madison	Canastota Creek, Lower, and tribs	pathogens
Monroe	Rochester Embayment - West	pathogens
Monroe	Mill Creek and tribs	phosphorus
Monroe	Mill Creek and tribs	pathogens
Monroe	Shipbuilders Creek and tribs	phosphorus
Monroe	Shipbuilders Creek and tribs	pathogens
Monroe	Minor Tribs to Irondequoit Bay	phosphorus
Monroe	Minor Tribs to Irondequoit Bay	pathogens
Monroe	Thomas Creek/White Brook and tribs	phosphorus
Monroe	Buck Pond	phosphorus
Monroe	Long Pond	phosphorus
Monroe	Cranberry Pond	phosphorus
Monroe	Genesee River, Lower, Main Stem	phosphorus
Monroe	Genesee River, Lower, Main Stem	pathogens
Monroe	Genesee River, Lower, Main Stem	silt/sediment
Monroe	Genesee River, Middle, Main Stem	phosphorus
Monroe	Black Creek, Lower, and minor tribs	phosphorus
Nassau	Long Island Sound, Nassau County	pathogens
Nassau	Long Island Sound, Nassau County	nitrogen
Nassau	Manhasset Bay, and tidal tribs	pathogens
Nassau	Manhasset Bay, and tidal tribs	pathogens
Nassau	Hempstead Harbor, south, and tidal tribs	pathogens
Nassau	Glen Cove Creek, Lower, and tribs	pathogens
Nassau	Glen Cove Creek, Lower, and tribs	silt/sediment
Nassau	Dosoris Pond	pathogens
Nassau	Mill Neck Creek and tidal tribs	pathogens
Nassau	South Oyster Bay	pathogens
Nassau	East Bay	pathogens
Nassau	LI Tribs (fresh) to East Bay	phosphorus
Nassau	LI Tribs (fresh) to East Bay	silt/sediment
Nassau	Middle Bay	pathogens
Nassau	East Rockaway Inlet	pathogens
Nassau	Reynolds Channel, east	pathogens

COUNTY	WATERBODY NAME	POLLUTANT
Nassau	East Meadow Brook, Upper, and tribs	silt/sediment
Nassau	Hempstead Bay	Nitrogen
Nassau	Hempstead Bay	pathogens
Nassau	Hempstead Lake	phosphorus
Nassau	Grant Park Pond	phosphorus
Nassau	Woodmere Channel	pathogens
New York	East River, Lower	floatables
New York	Harlem River	floatables
Niagara	Bergholtz Creek and tribs	phosphorus
Niagara	Bergholtz Creek and tribs	pathogens
Oneida	Utica Harbor	pathogens
Oneida	Utica Harbor	floatables
Oneida	Mohawk River, Main Stem	pathogens
Oneida	Mohawk River, Main Stem	floatables
Oneida	Mohawk River, Main Stem	pathogens
Oneida	Mohawk River, Main Stem	floatables
Oneida	Ballou, Nail Creeks and tribs	phosphorus
Oneida	Ninemile Creek, Lower, and tribs	pathogens
Onondaga	Limestone Creek, Lower, and minor tribs	pathogens
Onondaga	Seneca River, Lower, Main Stem	pathogens
Onondaga	Onondaga Lake, northern end	phosphorus
Onondaga	Onondaga Lake, southern end	pathogens
Onondaga	Onondaga Lake, southern end	phosphorus
Onondaga	Minor Tribs to Onondaga Lake	phosphorus
Onondaga	Minor Tribs to Onondaga Lake	pathogens
Onondaga	Bloody Brook and tribs	pathogens
Onondaga	Ley Creek and tribs	pathogens
Onondaga	Ley Creek and tribs	phosphorus
Onondaga	Onondaga Creek, Lower, and tribs	phosphorus
Onondaga	Onondaga Creek, Lower, and tribs	pathogens
Onondaga	Onondaga Creek, Middle, and tribs	silt/sediment
Onondaga	Onondaga Creek, Middle, and tribs	phosphorus
Onondaga	Onondaga Creek, Middle, and tribs	pathogens
Onondaga	Onondaga Creek, Upper, and minor tribs	silt/sediment
Onondaga	Harbor Brook, Lower, and tribs	phosphorus
Onondaga	Harbor Brook, Lower, and tribs	pathogens
Onondaga	Ninemile Creek, Lower, and tribs	phosphorus
Onondaga	Ninemile Creek, Lower, and tribs	pathogens
Ontario	Hemlock Lake Outlet and minor tribs	phosphorus
Ontario	Hemlock Lake Outlet and minor tribs	pathogens
Ontario	Honeoye Lake	phosphorus
Ontario	Great Brook and minor tribs	phosphorus

COUNTY	WATERBODY NAME	POLLUTANT
Ontario	Great Brook and minor tribs	silt/sediment
Orange	Greenwood Lake	phosphorus
Oswego	Lake Neatahwanta	phosphorus
Otsego	Susquehanna River, Main Stem	pathogens
Putnam	Croton Falls Reservoir	phosphorus
Putnam	West Branch Reservoir	phosphorus
Putnam	Boyd Corners Reservoir	phosphorus
Putnam	Middle Branch Reservoir	phosphorus
Putnam	Lake Carmel	phosphorus
Putnam	Diverting Reservoir	phosphorus
Putnam	East Branch Reservoir	phosphorus
Putnam	Bog Brook Reservoir	phosphorus
Putnam	Oscawana Lake	phosphorus
Queens	Newtown Creek and tidal tribs	floatables
Queens	East River, Upper	floatables
Queens	East River, Upper	floatables
Queens	Flushing Creek/Bay	nitrogen
Queens	Flushing Creek/Bay	floatables
Queens	Little Neck Bay	pathogens
Queens	Alley Creek/Little Neck Bay Trib	floatables
Queens	Jamaica Bay, Eastern, and tribs	nitrogen
Queens	Jamaica Bay, Eastern, and tribs	pathogens
Queens	Jamaica Bay, Eastern, and tribs	floatables
Queens	Thurston Basin	floatables
Queens	Bergen Basin	Nitrogen
Queens	Bergen Basin	pathogens
Queens	Bergen Basin	floatables
Queens	Shellbank Basin	nitrogen
Queens	Spring Creek and tribs	pathogens
Queens	Spring Creek and tribs	floatables
Rensselaer	Snyders Lake	phosphorus
Richmond	Raritan Bay (Class SA)	pathogens
Richmond	Arthur Kill (Class I) and minor tribs	floatables
Richmond	Newark Bay	floatables
Richmond	Kill Van Kull	floatables
Richmond	Grasmere, Arbutus and Wolfes Lakes	phosphorus
Saratoga	Dwaas Kill and tribs	Phosphorus
Saratoga	Dwaas Kill and tribs	silt/sediment
Saratoga	Schuyler Creek and tribs	phosphorus
Saratoga	Schuyler Creek and tribs	pathogens
Saratoga	Lake Lonely	phosphorus
Saratoga	Tribs to Lake Lonely	Phosphorus

COUNTY	WATERBODY NAME	POLLUTANT
Saratoga	Tribs to Lake Lonely	pathogens
Schenectady	Collins Lake	phosphorus
Schoharie	Cobleskill Creek, Lower, and tribs	pathogens
Schoharie	Engleville Pond	phosphorus
Schoharie	Summit Lake	phosphorus
St.Lawrence	Black Lake Outlet/Black Lake	phosphorus
Steuben	Lake Salubria	phosphorus
Steuben	Smith Pond	phosphorus
Suffolk	Millers Pond	phosphorus
Suffolk	Stony Brook Harbor and West Meadow	pathogens
Suffolk	Port Jefferson Harbor, North, and tribs	pathogens
Suffolk	Conscience Bay and tidal tribs	pathogens
Suffolk	Beach/Island Ponds, Fishers Island	pathogens
Suffolk	Dering Harbor	pathogens
Suffolk	Tidal Tribs to Gr Peconic Bay, Northshr	pathogens
Suffolk	Mattituck (Marratooka) Pond	phosphorus
Suffolk	Mattituck (Marratooka) Pond	pathogens
Suffolk	Flanders Bay, West/Lower Sawmill	nitrogen
Suffolk	Meetinghouse/Terrys Creeks and tribs	nitrogen
Suffolk	Meetinghouse/Terrys Creeks and tribs	pathogens
Suffolk	Peconic River, Lower, and tidal tribs	nitrogen
Suffolk	Peconic River, Lower, and tidal tribs	pathogens
Suffolk	Scallop Pond	pathogens
Suffolk	Oyster Pond/Lake Munchogue	pathogens
Suffolk	Phillips Creek, Lower, and tidal tribs	pathogens
Suffolk	Quogue Canal	pathogens
Suffolk	Forge River, Lower and Cove	pathogens
Suffolk	Tidal tribs to West Moriches Bay	Nitrogen
Suffolk	Tidal tribs to West Moriches Bay	pathogens
Suffolk	Canaan Lake	silt/sediment
Suffolk	Canaan Lake	phosphorus
Suffolk	Nicoll Bay	pathogens
Suffolk	Lake Ronkonkoma	phosphorus
Suffolk	Lake Ronkonkoma	pathogens
Suffolk	Great Cove	pathogens
Tompkins	Cayuga Lake, Southern End	phosphorus
Tompkins	Cayuga Lake, Southern End	silt/sediment
Tompkins	Cayuga Lake, Southern End	pathogens
Ulster	Ashokan Reservoir	silt/sediment
Ulster	Esopus Creek, Upper, and minor tribs	silt/sediment
Warren	Lake George	silt/sediment
Warren	Tribs to L.George, Village of L George	silt/sediment

COUNTY	WATERBODY NAME	POLLUTANT
Warren	Huddle/Finkle Brooks and tribs	silt/sediment
Warren	Indian Brook and tribs	silt/sediment
Warren	Hague Brook and tribs	silt/sediment
Washington	Lake Champlain, South Bay	phosphorus
Washington	Tribs to L.George, East Shore	silt/sediment
Washington	Cossayuna Lake	phosphorus
Wayne	Blind Sodus Bay	phosphorus
Wayne	Port Bay	phosphorus
Westchester	Saw Mill River, Lower, and tribs	floatables
Westchester	New Croton Reservoir	phosphorus
Westchester	Upper New Croton/Muscoot Reservoir	phosphorus
Westchester	Amawalk Reservoir	phosphorus
Westchester	Lake Lincolndale	phosphorus
Westchester	Peach Lake	pathogens
Westchester	Peach Lake	phosphorus
Westchester	Titicus Reservoir	phosphorus
Westchester	Cross River Reservoir	phosphorus
Westchester	Lake Meahaugh	phosphorus
Westchester	Bronx River, Upper, and tribs	pathogens
Westchester	New Rochelle Harbor	pathogens
Westchester	New Rochelle Harbor	floatables
Westchester	Long Island Sound, Westchester Co	pathogens
Westchester	Long Island Sound, Westchester Co	nitrogen
Westchester	Larchmont Harbor	pathogens
Westchester	Larchmont Harbor	floatables
Westchester	Hutchinson River, Middle, and tribs	pathogens
Westchester	Mamaroneck Harbor	pathogens
Westchester	Mamaroneck Harbor	floatables
Westchester	Mamaroneck River, Lower	silt/sediment
Westchester	Mamaroneck River, Upper, and minor	silt/sediment
Westchester	Sheldrake River and tribs	phosphorus
Westchester	Sheldrake River and tribs	silt/sediment
Westchester	Milton Harbor	pathogens
Westchester	Milton Harbor	floatables
Westchester	Blind Brook, Lower	silt/sediment
Westchester	Blind Brook, Upper, and tribs	silt/sediment
Westchester	Port Chester Harbor	pathogens
Westchester	Port Chester Harbor	floatables
Westchester	Byram River, Lower	pathogens
Wyoming	Java Lake	phosphorus
Wyoming	Silver Lake	phosphorus

APPENDIX 2 (CONTINUED)
IMPAIRED SEGMENTS AND SECONDARY POLLUTANTS OF CONCERN

COUNTY	WATERBODY	POLLUTANT
Oneida	Mohawk River, Main Stem	Copper
Westchester	Hutchinson River, Middle and tribs	Oil and Grease

APPENDIX 3: NEW YORK CITY WATERSHED EAST OF THE HUDSON RIVER WATERSHED MAP

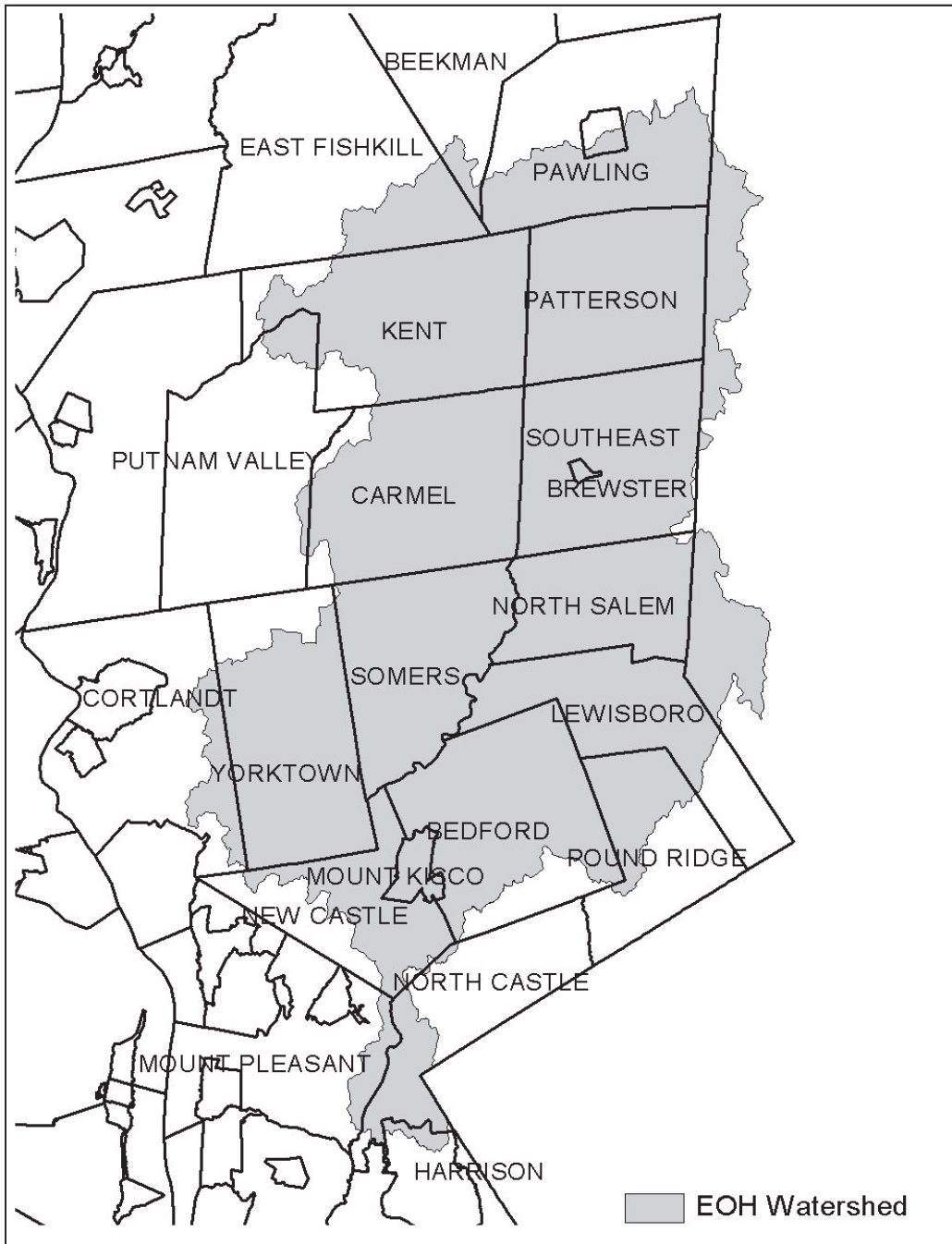


Figure 1. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 4: ONONDAGA LAKE WATERSHED MAP



Figure 2. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 5: GREENWOOD LAKE WATERSHED MAP

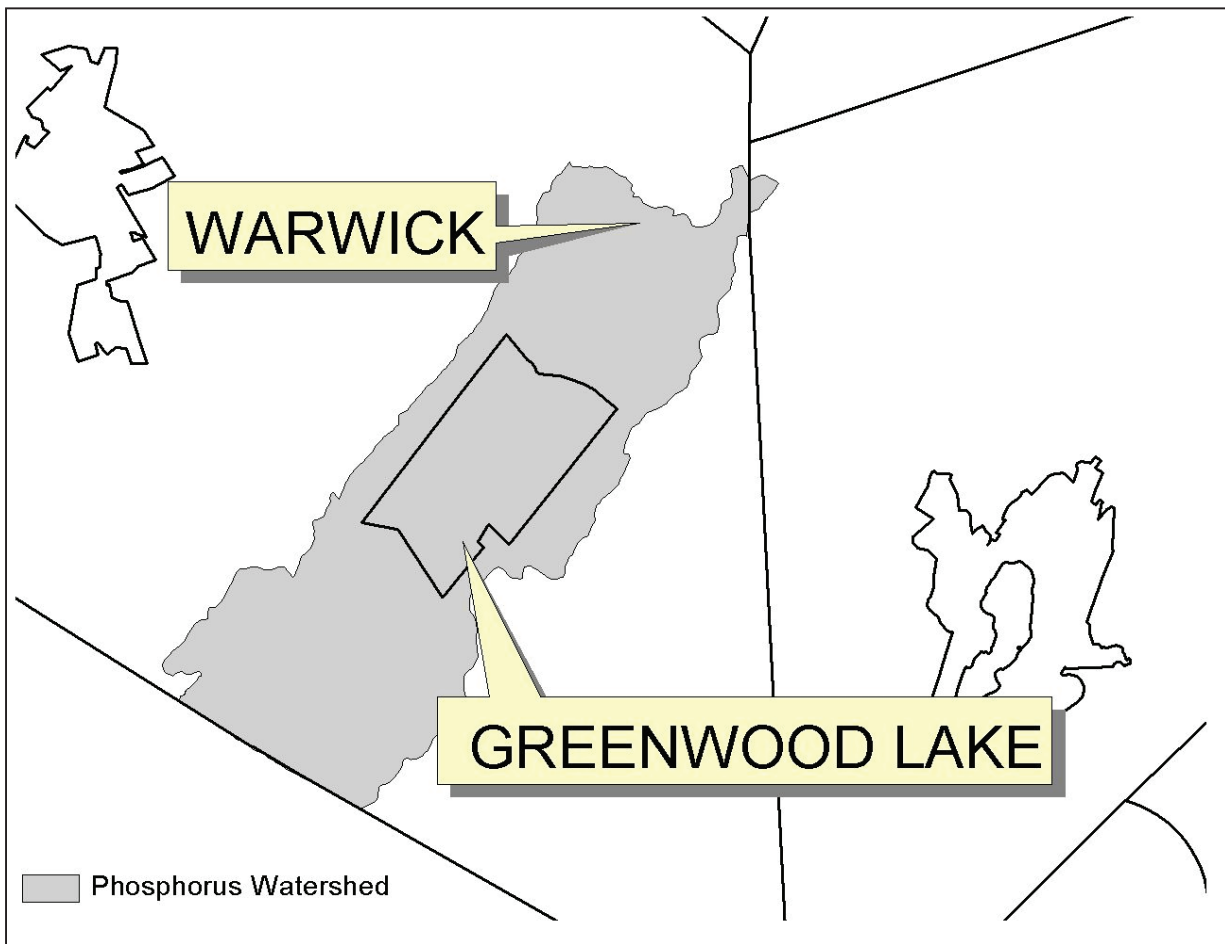


Figure 3. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 6: OYSTER BAY WATERSHED MAP

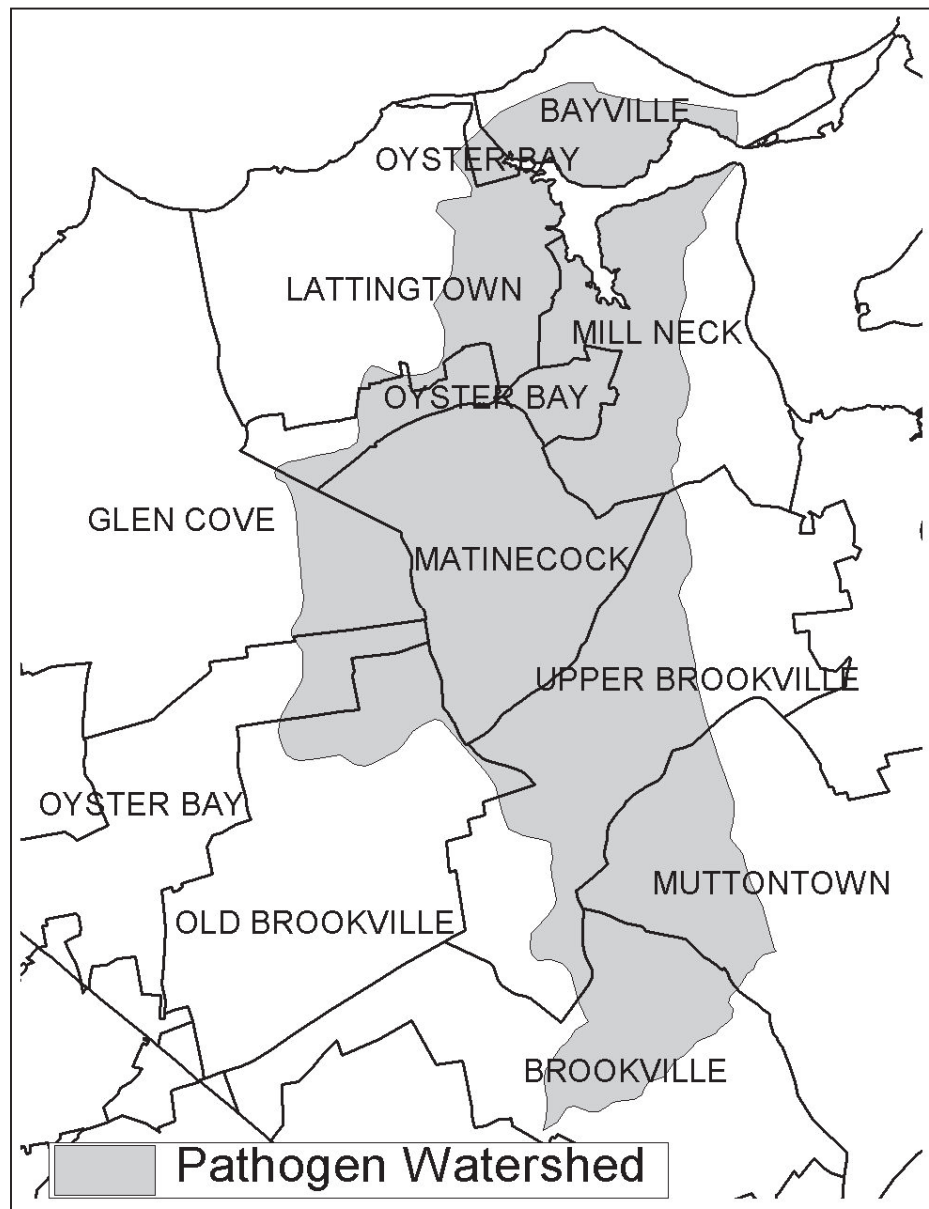


Figure 4. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 7: PECONIC ESTUARY PATHOGEN WATERSHED MAP

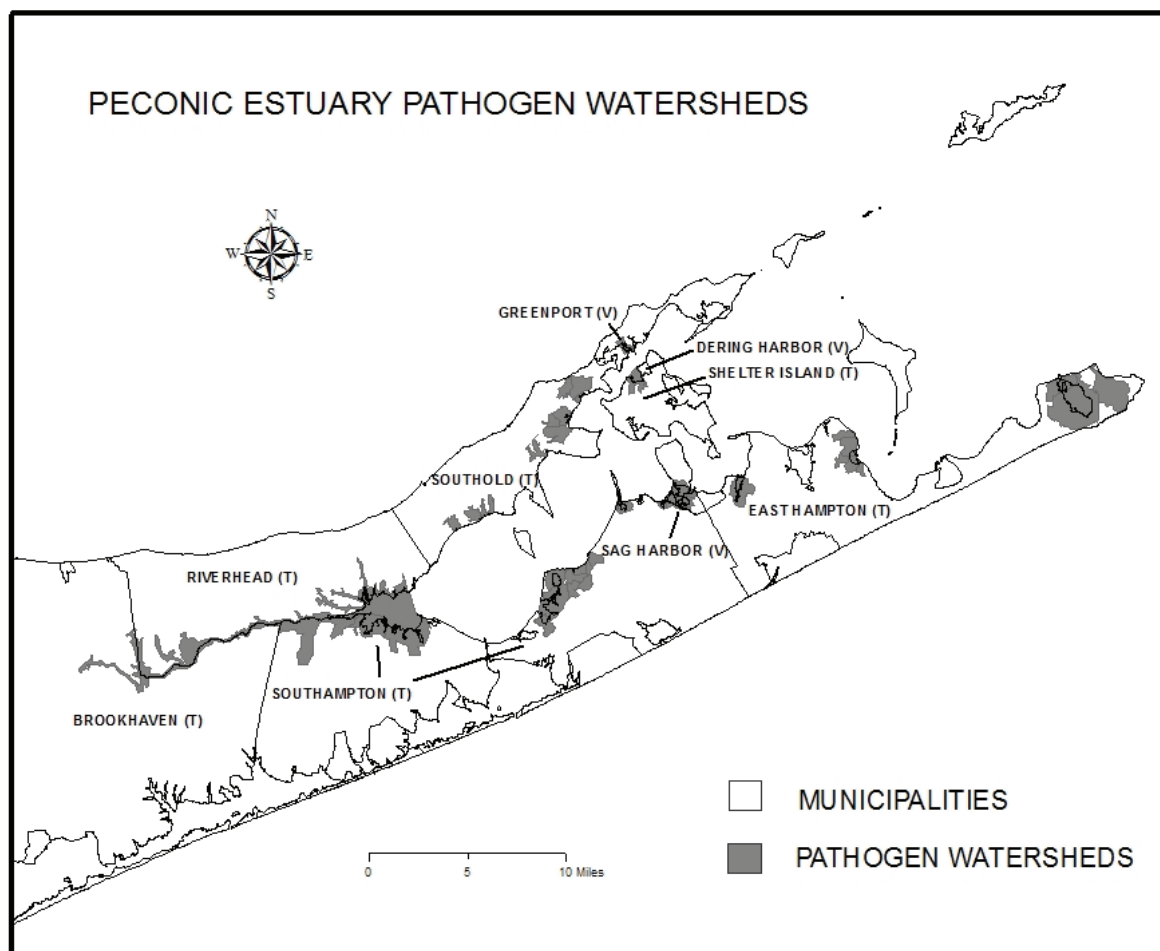


Figure 5. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-10-002

APPENDIX 8: PECONIC ESTUARY NITROGEN WATERSHED MAP

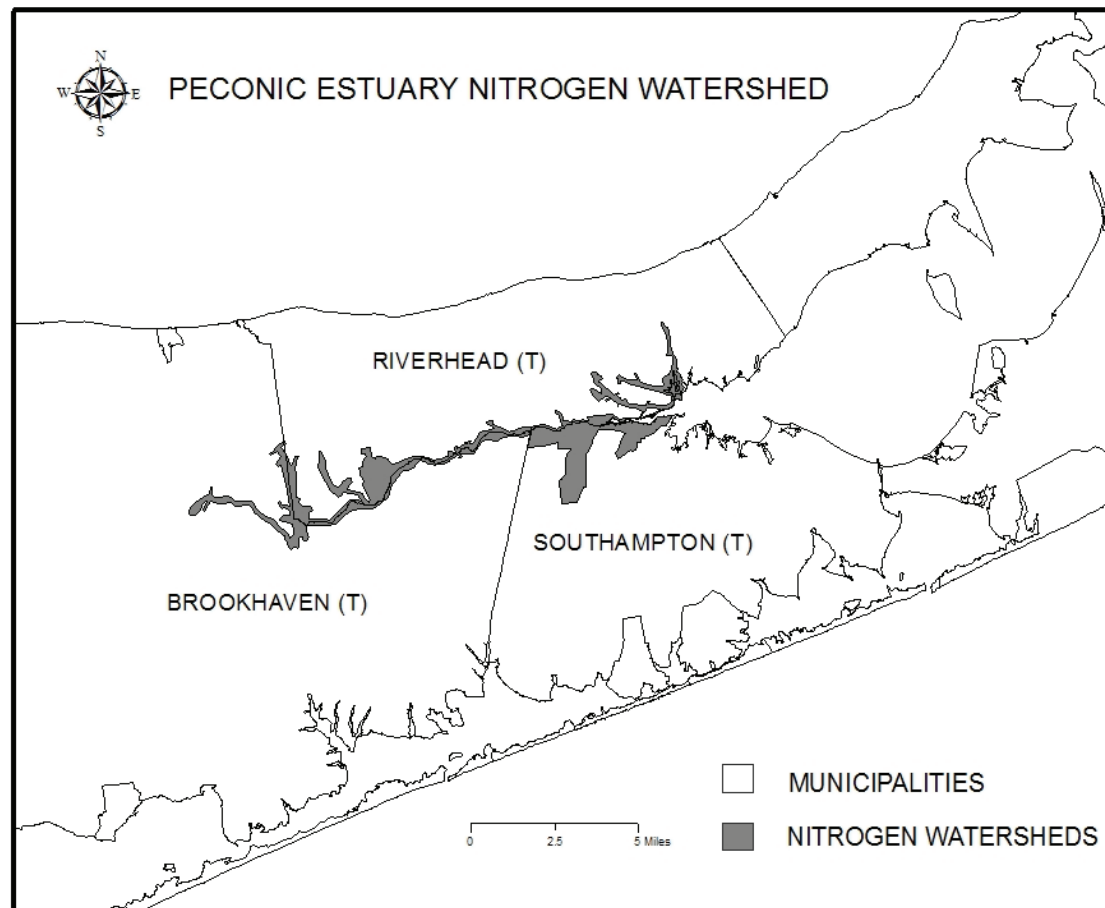


Figure 6. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

WATERSHEDS OF 27 SHELLFISHING EMBAYMENTS INCLUDED IN PATHOGEN TMDL

MUNICIPALITIES*

PATHOGEN WATERSHEDS

EMBAYMENTS IN PATHOGEN TMDL

* Portions of Nassau County, Suffolk County and other Traditional Non-Land Use Control and Non-Traditional MS4s are also included in one or more of the watersheds encompassed by the Shellfish Pathogen TMDL.

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-10-002

APPENDIX 10: LAKE OSCAWANA WATERSHED MAP

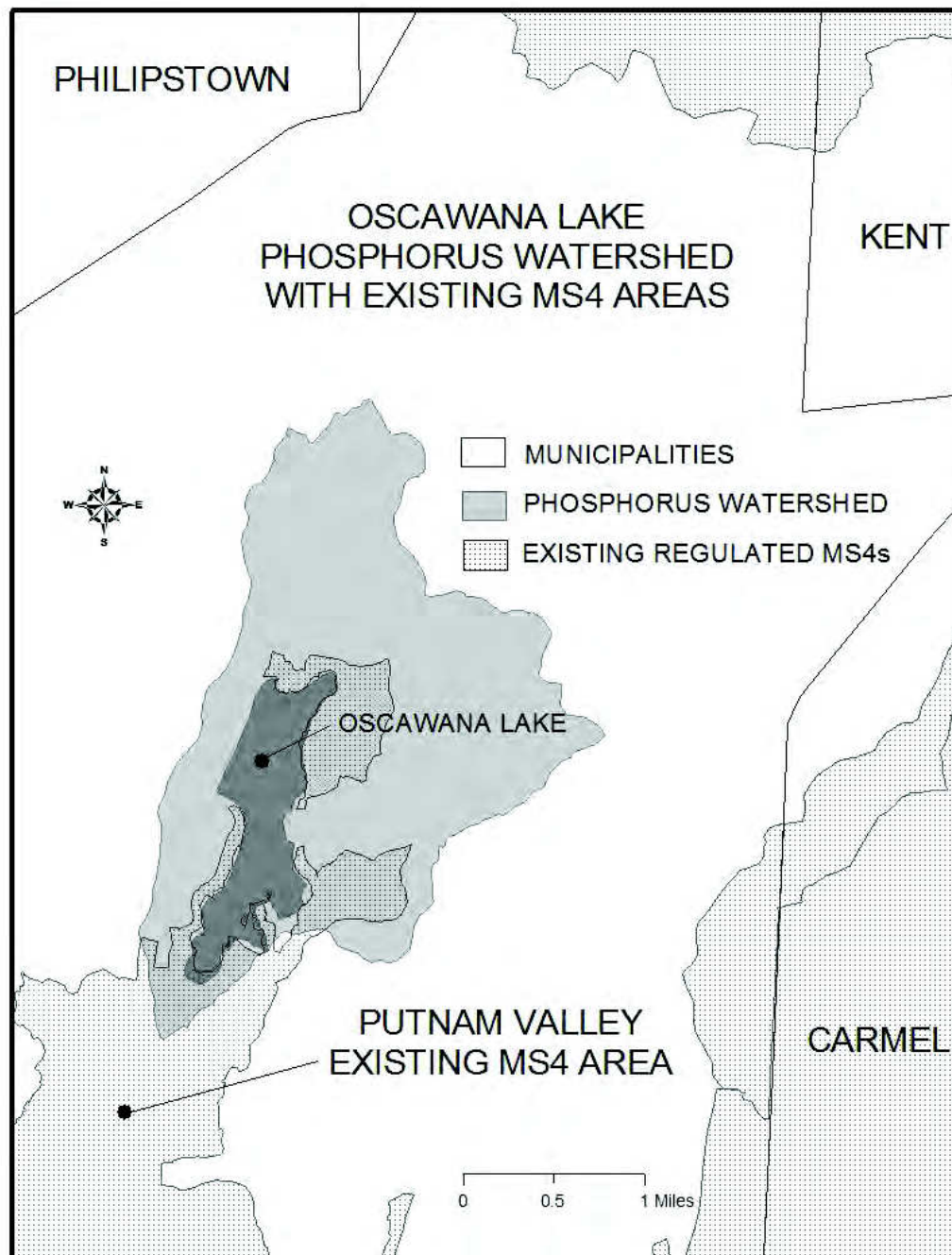


Figure 8. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

Appendix B

Broome Community College SWMP



Storm Water Management Plan

218893.01
**Broome Community
College**
Binghamton, New York
January 2008

STORM WATER MANAGEMENT PLAN

**Broome Community College
Binghamton, NY**

January 2008



8315 White Cedar Circle
Liverpool, New York 13090
800-426-4262

www.woodardcurran.com

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GENERAL FACILITY INFORMATION

TOPIC	INFORMATION
Facility Owner	Broome Community College
Mailing Address	P.O. Box 1017 Binghamton, NY 13902
Physical Address	901 Upper Front Street Binghamton, NY 13905
Facility Contact	Joseph O'Connor, Director of Campus Safety & Security and Storm Water Management Program (SWMP) Coordinator
Telephone Number	607-778-5379
County	Broome County
Receiving Waters	Chenango River and Cutler Pond
Type of Facility	Public Community College
General Permit Number	NYR20A302
Permit Term	January 8, 2003 to January 8, 2008

EXECUTIVE SUMMARY

The Federal National Pollutant Discharge Elimination System (NPDES) storm water program is a nationwide two-phased program aimed at reducing the adverse impacts of storm water discharges on the quality of the nation's surface waters. Phase II of the program became effective on March 10, 2003 and requires permitting of point source discharges of storm water from small municipal separate storm sewer systems (MS4s) located wholly or partially in urbanized areas (UAs) as defined by the U.S. Census Bureau or designated by the NPDES permitting authority. The definition of "municipal" under the Phase II rules includes not only municipal governments, but any publicly funded entity that owns and operates a separate storm sewer system, including state colleges and universities. The New York State Department of Environmental Conservation (DEC) has been delegated permitting authority for the Federal NPDES program and has issued a State Pollutant Discharge Elimination System (SPDES) General Permit for Storm Water Discharges from Small MS4s (GP-02-02). The Town of Dickinson, in which Broome Community College (BCC) is located, has been designated by the DEC as a UA, therefore, the municipal separate storm sewer system at BCC must be permitted as a regulated small MS4.

On March 4, 2003 BCC submitted to the DEC the completed Notice of Intent form for coverage under SPDES General Permit indicating BCC's intent to comply with the requirements of GP-02-02. One of the requirements of the General Permit is the development and implementation of this Storm Water Management Plan (SWMP). This SWMP addresses the following six Minimum Control Measures (MCMs):

1. Public Education and Outreach
2. Public Participation and Involvement
3. Illicit Discharge Detection and Elimination
4. Construction Site Runoff Control
5. Post-Construction Storm Water Management
6. Pollution Prevention and Good Housekeeping

BCC will implement this SWMP during the remaining term of the General Permit (2007 through January 2008).

This SWMP was prepared for BCC by Woodard & Curran, Inc. in accordance with the requirements of the SPDES General Permit (GP-02-02). Information was obtained from BCC personnel as part of the SWMP planning process, and was supplemented with information obtained from the resources identified in Appendix C.

1. INTRODUCTION

1.1 STORM WATER PERMITTING PROGRAM BACKGROUND

The Federal National Pollutant Discharge Elimination System (NPDES) storm water program is a nationwide two-phased program aimed at reducing the impacts of storm water discharges on the nation's surface waters. Phase I of the program, promulgated in 1990 under the Clean Water Act (CWA), required permitting of point source discharges of storm water from:

- Large municipal separate storm sewer systems (MS4s) serving populations of 100,000 persons or greater;
- Storm water discharges from specific industrial activities; and
- Storm water discharges from large construction activities disturbing five (5) or more acres of land area.

Phase II of the program became effective on March 10, 2003 and requires permitting of point source discharges of storm water from:

- Small MS4s located wholly or partially in urbanized areas (UAs) as defined by the U.S. Census Bureau or designated by the NPDES permitting authority; and
- Storm water discharges from small construction activities disturbing between one (1) and five (5) acres of land area.

Furthermore, the definition of “municipal” under the Phase II rules includes not only municipal governments, such as cities, towns and villages, but any publicly funded entity that owns and operates a separate storm sewer system within a defined urban area.

The New York State Department of Environmental Conservation (DEC) has been delegated permitting authority for the Federal NPDES program and has issued a General Permit for Storm Water Discharges from Small MS4s (GP-02-02) and related storm water program materials to implement the State Pollutant Discharge Elimination System (SPDES) program. Because the Town of Dickinson has been designated by the DEC as a UA, the municipal separate storm sewer system at BCC must be permitted as a regulated small MS4.

Additional designation criteria include those MS4s discharging to waters for which an EPA-approved total maximum daily load (TMDL) requires reduction of a pollutant associated with storm water beyond what can be achieved with existing programs. Section 303(d) of the Clean Water Act requires all states to list waters that do not meet their water quality standards on the state's 303(d) list of impaired waters. The 303(d) list identifies the specific water body segments that are impaired and the reasons for the impairment. States must then determine the conditions that would return the water body to the desired water quality standard and develop a TMDL for each water body on the list. It has been determined that BCC does not discharge storm water to an impaired waterway.

1.2 GENERAL PERMIT REQUIREMENTS

On March 4, 2003 BCC submitted to DEC the completed Notice of Intent (NOI) form for coverage under SPDES General Permit GP-02-02 indicating the campus's intent to comply with the requirements of GP-

1.7 SWMP PLANNING PROCESS AND MANAGEMENT TEAM

The process of developing this SWMP spanned several months of data gathering, meetings and coordination with BCC personnel. Woodard & Curran conducted an on-site project kick-off meeting and initial data gathering in May 2007 with the Director of Campus Safety and Security, who is also BCC's Storm Water Management Program (SWMP) Coordinator. A second planning meeting was held in August with the Storm Water Management Program (SWMP) Coordinator and other key individuals involved in the information gathering and planning process.

A working draft of the SWMP was prepared and used to present the proposed BMPs and to identify data gaps. The working draft was presented to the BCC project team members for review and comment. BCC staff assisted in filling data gaps and provided input on the BMPs. The final SWMP was then completed and submitted to BCC for implementation.

Figure 1-1: Site Location Map

2. PUBLIC EDUCATION & OUTREACH

An informed and knowledgeable “community” at BCC will be an important factor in the success of the campus’s SWMP and, ultimately, the goal of reducing the discharge of pollutants associated with storm water runoff to nearby water bodies. The implementation of an effective public education and outreach program will help to ensure:

1. Greater awareness of the importance of managing discharges to local receiving waters;
2. Greater support for the storm water management program; and
3. Greater compliance with the requirements of the SPDES General Permit.

The EPA generally recommends utilizing existing programs, organizations, boards and committees within a “community” to implement public education programs. BCC has developed this Public Education and Outreach Plan using some of the existing forums for public education and outreach in place on campus as described below.

2.1 PUBLIC EDUCATION & OUTREACH TARGET AUDIENCE AND GEOGRAPHIC AREA

Because BCC is a campus rather than a municipal entity, the target audience for public education and outreach is more limited in scope. BCC’s “community” is comprised of the students, faculty and staff, on-site contractors, as well as the visiting public. It is important to identify this target audience and to understand how they receive information when implementing this MCM. The geographic area covered by the outreach activities is limited to the BCC campus. Education and outreach efforts will focus on the priority pollutants associated with the potential pollutant sources as identified in Section 7.1.

The BCC community currently obtains campus-related information through a variety of sources in use, as described below. BCC will develop a program utilizing some of these existing communications pathways to raise public awareness and provide education about what storm water is, where it drains on campus, sources of storm water pollution, and their impact on water quality.

2.2 EXISTING FORUMS FOR PUBLIC EDUCATION & OUTREACH PROGRAMS

Some means for communication already exist at BCC which can be made use of for this program.

- A student e-mail newsletter (*BCC Weekly*) is published weekly and provides a timely form of communication to students, faculty, and staff.
- Campus faculty and staff currently receive *The Focus* e-mail distribution which is used to disseminate important campus information.
- Safety meetings are conducted on a regular basis with various groups on campus and are an effective way to communicate to staff.
- Existing events such as the annual Earth Day celebration offer an opportunity to disseminate information.

2.3 PROPOSED BMPS – PUBLIC EDUCATION AND OUTREACH

BCC proposes to develop the following program elements or BMPs to address this MCM during the permit term.

2.3.1 Storm Water Pollution Prevention Training

Many BCC personnel participate in regular training programs pertaining to environmental and safety topics such as chemical and oil spill prevention, and various Occupational Health and Safety Administration (OSHA) worker safety programs. BCC will incorporate storm water pollution prevention (P2) training into existing training programs, at a level of detail appropriate for the designated audiences. Initial storm water training will be provided for designated personnel, and annual updates or briefings on P2 and good housekeeping practices will be implemented for campus maintenance and custodial groups as appropriate.

2.3.2 BCC Web Page

The Office of Campus Safety maintains a web page focused on storm water compliance (<http://www.sunybroome.edu/security/stormwater.html>). The web page contains links to this SWMP, EPA and DEC web pages containing storm water educational materials, and a copy of the most recent Municipal Compliance Certification (MCC) Form and Storm Water Management Program Annual Report (SWMPAR).

2.3.3 Storm Water Pollution Prevention Brochure

BCC will either purchase from EPA or develop an informational brochure that addresses storm water P2. Topics that could be covered in a brochure include: potential sources of storm water pollutants, trash and litter management, maintaining catch basins and other storm water structures, water conservation practices, and restrictions on storm drain dumping. The brochure could be distributed to students during orientation, posted in buildings, and/or provided to faculty and staff.

2.3.4 Faculty and Staff Newsletter

BCC currently distributes an e-mail newsletter, *The Focus*, to all faculty and staff, which includes a variety of campus information. BCC will use *The Focus* to provide faculty and staff with storm water P2 information and notices of special storm water related events on an annual basis. BCC will use storm water public education and outreach information that is available from the DEC's storm water website (www.dec.ny.gov/chemical/8468.html), the EPA storm water website (www.epa.gov/npdes/stormwater), and other sources to prepare articles for the newsletter.

2.3.5 Storm Water P2 Article in Student Newsletter

It is not uncommon for the public to believe that water entering the storm drains is treated at a wastewater treatment plant. They do not realize that dumping pollutants into a catch basin is essentially the equivalent of dumping pollutants directly into a local river or stream. BCC will try to eliminate these misconceptions and raise awareness of storm water P2 by placing articles in the student newsletter, *BCC Weekly*, on an annual basis. BCC will use storm water public education and outreach information that is

available from the DEC, the EPA storm water website, as well as other sources to prepare articles for the newsletter.

2.3.6 On-Site Contractor/Vendor Education and Oversight

There are several service vendors who come to the BCC campus to make deliveries or pick-ups or provide services. These vendors include:

- A lawn care service company that provides weed control and fertilizer services.
- A food services vendor that provides food in the Student Center and receives food deliveries to campus.
- A trash removal vendor.
- Used oil generated on campus is removed by a vendor.
- Waste kitchen grease is removed from campus by a vendor.
- A vendor delivers diesel to the aboveground storage tank located at Campus Services.
- The kitchen grease trap is periodically inspected and cleaned out by a vendor.
- The oil/water separator located at Campus Services is cleaned out as needed by a vendor.
- An elevator service contractor.

To ensure proper protection of the storm drain system during these and other vendor activities, the vendors should be briefed on BCC's storm water prevention policies applicable to their activities. BCC has develop basic storm water management procedures (BMPs) and provided them to service vendors who are expected to follow them. The vendor BMPs are provided in Table 2-1.

2.4 IMPLEMENTATION SCHEDULE

The GP-02-02 permit has established a five-year implementation schedule that coincides with the term of the permit (2003 through 2008). Table 2-2 presents the schedule and measurable goals for implementation of these BMPs for the remaining term of the permit (Summer 2007 through January 2008).

2.5 DOCUMENTATION OF MCM PROGRESS

In accordance with GP-02-02, BCC must prepare and submit an annual report to the DEC (refer to Chapter 8 of this Plan). In order to provide the information required in the annual report, progress made on this MCM should be documented throughout the year. Records should be kept of all meetings held, BMPs completed (e.g. copies of storm water P2 brochure, storm water policies for on-site vendors), and other pertinent work performed toward meeting the measurable goals for this MCM.

Table 2-1: BMPs for BCC Service Contractor/Vendor Activities

Food Service Contractor
<input type="checkbox"/> All food products delivered must be properly packaged to prevent spillage onto ground.
<input type="checkbox"/> Waste grease stored outdoors must be provided with a secondary containment system.
<input type="checkbox"/> In the event of an incidental spill, immediately clean up spilled material and dispose of properly.
<input type="checkbox"/> Notify Security immediately if spilled material discharges to the storm drain system.
Lawn Service Contractor
<input type="checkbox"/> Do not apply lawn treatment chemicals during a rain event
<input type="checkbox"/> Park chemical application truck away from storm drain inlets and drainage swales. If truck must be parked within 20 feet of an inlet, cover storm drain with an appropriate drain cover during application.
<input type="checkbox"/> Carry absorbent materials on-board the delivery truck to clean up drips and spillage.
<input type="checkbox"/> Place absorbent material or containment under truck hose connections. In the event of spillage (solid or liquid), immediately clean up spilled material and dispose of properly.
<input type="checkbox"/> Notify Security immediately if spilled material discharges to the storm drain system.
<input type="checkbox"/> Inspect the area prior to departure to ensure all outlets and valves on the truck are properly closed and in the locked position.
Diesel Delivery Contractor
<input type="checkbox"/> Fuel oil deliveries are always be attended by the delivery truck driver.
<input type="checkbox"/> Tank filling operations should be performed during daylight hours. If tank filling must be performed at night, suitable lighting must be provided.
<input type="checkbox"/> The liquid level in the tank must be checked prior to filling to verify the available capacity.
<input type="checkbox"/> Cover nearby storm drain inlets with an appropriate drain cover during deliveries, if applicable.
<input type="checkbox"/> Carry absorbent materials on-board the delivery truck to clean up drips and spillage.
<input type="checkbox"/> Inspect the delivery area prior to departure to ensure all outlets and valves on the truck are properly closed and in the locked position.
<input type="checkbox"/> In the event of spillage, immediately clean up spilled material and notify Security. Properly dispose of clean-up materials.

Table 2-1: Potential BMPs for BCC Service Contractor Activities (cont'd)

Waste Kitchen Grease and Used Oil Pick-Up Contractors
<input type="checkbox"/> Cover nearby storm drain inlets with an appropriate drain cover during pick-ups, if applicable.
<input type="checkbox"/> Carefully transfer full containers, being sure to clear the path in advance and check for any wet or icy areas that may be slippery.
<input type="checkbox"/> Carry absorbent materials on-board the truck to clean up drips and spillage.
<input type="checkbox"/> In the event of spillage, immediately clean up spilled material and notify Security. Dispose of clean-up materials properly.
Trash Removal Contractor
<input type="checkbox"/> In the event of a spill (solids or liquids), immediately clean up spilled material and dispose of properly.
<input type="checkbox"/> Notify Security immediately if liquid spilled material discharges to the storm drain system.
<input type="checkbox"/> Ensure covers are closed on trash dumpsters prior to departure.
Elevator Service Contractor
<input type="checkbox"/> Cover floor drain inlets, if present in elevator mechanical rooms, with an appropriate drain cover when servicing or filling elevator reservoir.
<input type="checkbox"/> Inspect the elevator mechanical room and work area prior to departure to ensure any incidental oil spillage and/or absorbent cleanup materials are cleaned up and disposed of properly.
<input type="checkbox"/> Immediately repair any elevator deficiency that could potentially lead to an oil release.
<input type="checkbox"/> In the event of spillage, immediately clean up spilled material and notify Security. Dispose of clean-up materials properly.
Grease Trap and Oil/Water Separator Cleaning Contractor
<input type="checkbox"/> Cover nearby storm drain inlets with an appropriate drain cover during pick-ups, if applicable.
<input type="checkbox"/> Carry absorbent materials on-board the delivery truck to clean up drips and spillage.
<input type="checkbox"/> Take precautions to prevent oil/grease/sludge from discharging from the separator/trap to the sanitary sewer.
<input type="checkbox"/> Inspect the area prior to departure to ensure all outlets and valves on the truck are properly closed and in the locked position.
<input type="checkbox"/> In the event of spillage, immediately clean up spilled material and notify Security. Dispose of clean-up materials properly.

Table 2-2: Public Education and Outreach MCM Schedule and Measurable Goals

ID	Best Management Practice	Measurable Goals	
		Tasks	Schedule
2.3.1	Storm Water P2 Training	Develop Storm Water P2 training materials.	Throughout Fall 2007
		Deliver training to designated BCC personnel.	Initial overview training will be presented during annual RTK training on September 25, 2007. Topical training will be presented to relevant staff annually thereafter.
2.3.2	BCC Web Page	Update links and materials on BCC storm water web page.	Completed.
2.3.3	Storm Water P2 Brochure	Develop or purchase informational brochure(s) focused on storm water P2 at BCC.	By December 2007
		Distribute brochure to students, faculty, and staff.	January 2008
2.3.4	Faculty and Staff Newsletter	Write a storm water awareness/P2 article for <i>The Focus</i> . Coordinate with Jill Reid.	Fall 2007
2.3.5	Storm Water P2 Article in Student Newsletter	Write a storm water awareness/P2 article for <i>BCC Weekly</i> . Coordinate with Jesse Wells.	Fall 2007
2.3.6	On-site Vendor Education and Oversight	Prepare list of storm water BMPs for service vendors.	Completed.
		Provide BMPs to vendors.	By January 2008
		Conduct periodic inspections of vendor's activities to evaluate their adherence to BMPs.	Begin 2008

3. PUBLIC PARTICIPATION & INVOLVEMENT

Public Participation is closely linked to Public Education and Outreach in that BCC's success in educating the public will directly affect the public participation in storm water related activities. The public can provide valuable input and assistance in BCC's SWMP, therefore, public participation should be encouraged. The EPA notes that public participation and involvement can increase the success of a SWMP because:

1. Those who participate in the development and decision-making process feel partially responsible for the program, and therefore, more likely to accept and support the program.
2. Program implementation will be shorter due to a greater number of volunteers.
3. The public may offer a broader base of expertise to supplement the limited resources of the BCC SWMP Coordinator.
4. Public participants that are linked to other organizations and programs are a conduit for information and support.

3.1 PUBLIC INVOLVEMENT/PARTICIPATION PROGRAMS

As part of this MCM, the BCC SWMP Coordinator will encourage students, faculty, and staff to participate in storm water management on campus. There are currently no public participation programs sponsored by BCC that specifically address storm water pollution prevention. However, the Ecology Club and the Civil Engineering Tech Program are existing groups that may be mobilized to support a storm water management/P2 program. In addition, members of the community outside of the College could be invited to participate in on-campus programs. Therefore, potential stakeholders include, BCC faculty, staff, and students, as well as the interested public outside the campus community.

The SWMP Coordinator will provide oversight and direction to any student and faculty groups that participate. The geographic area covered by the public involvement activities is typically limited to the BCC campus. Public involvement efforts will focus on the potential priority pollutants/sources as identified in Section 7.1.

This section presents BCC's Public Participation/Involvement plan. Measurable goals have been developed to guide BCC in implementing these BMPs

3.2 PROPOSED BMPS – PUBLIC PARTICIPATION & INVOLVEMENT

3.2.1 Public Meeting for SMWP Annual Report

The SWMP Coordinator will hold a public meeting for the campus to present BCC's Municipal Compliance Certification Form and Storm Water Management Program Annual Report. The campus community will be invited to attend and comment on the report. The Report will also be posted on the campus web site, and the public encouraged to submit any comments.

3.2.2 Student Internship Opportunities

BCC's storm water management program could provide internship opportunities for students in the Civil Engineering Tech or other related programs. Students interested in water quality and watershed protection issues would be a valuable resource to the SWMP. The SWMP Coordinator will contact faculty in likely programs to determine if there is an interest in pursuing such an internship and, if so, what type of project or activity is appropriate to satisfy the academic purposes of the internship and the goals of the SWMP. For example, a student intern could be given a specific BMP to implement with the direction and oversight of their professor and the SWMP Coordinator.

3.2.3 Enlist the Aid of Existing Campus Groups

Some existing campus groups may be interested in participating in storm water education/outreach or P2 activities. Such groups may be interested in developing educational materials or sponsoring an activity such as a clean-up event. The SWMP Coordinator will contact the Ecology Club and certain faculty groups to gauge interest and encourage participation.

3.2.4 Campus Clean-up Event

The SWMP Coordinator will investigate the possibility of holding a campus clean-up event that focuses on the impact that trash and pollutants have on surface water runoff and water quality. Such an event could possibly be scheduled to coincide with a campus Earth Day celebration. The SWMP Coordinator will discuss this BMP with the campus Director of Activities.

3.2.5 Awareness of Illicit Discharges

Through training and the distribution of educational materials, BCC faculty, staff, and students will be made aware of what constitutes an illicit storm water discharge. People will be encouraged to be watchful for illicit discharges (i.e., vehicle washing over a catch basin, dumping into a catch basin) and report any that are identified to the SWMP Coordinator.

3.3 IMPLEMENTATION SCHEDULE

The GP-02-02 permit has established a five-year implementation schedule for this MCM. Table 3-1 presents the schedule and measurable goals for implementation of these BMPs for the remaining term of the permit (Summer 2007 through January 2008).

3.4 DOCUMENTATION OF MCM PROGRESS

In accordance with GP-02-02, BCC must prepare and submit an annual report to the DEC (refer to Section 8 of this Plan). In order to provide the information required in the annual report, progress made on this MCM should be documented throughout the year. Records should be kept of all meetings held, BMPs completed (e.g. public meeting), and other pertinent work performed toward meeting the measurable goals for this MCM.

Table 3-1: Public Participation & Involvement MCM Schedule and Measurable Goals

ID	Best Management Practice	Measurable Goals	
		Task	Schedule
3.2.1	Public Meeting for SWMP Annual Report	Hold a public meeting to present SWMP annual report.	Meeting conducted on June 1, 2007
3.2.2	Student Internship Opportunity	SWMP Coordinator contact appropriate faculty to discuss internship opportunities for a student(s).	Initial contacts already made and possibility being investigated.
		If internship interest/support exists, coordinate with faculty to identify storm water project/activity for student intern to implement.	2008
		If internship interest/support exists, provide direction and resources for student intern as he/she implements the project	2008
3.2.3	Enlist Aid of Existing Campus Groups	SWMP Coordinator contact Ecology Club and faculty groups to gauge interest in participating in P2 activities.	Initial contacts already made and possibility being investigated.
3.2.4	Campus Clean-up Event	Discuss potential campus clean-up event with Activities Director.	Discussions are under way.
		If event interest/support exists coordinate the event with a campus group.	Possibly the 2008 Earth Day celebration.
3.2.5	Awareness of Illicit Discharges	Encourage people to be alert for and report any potential illicit discharges identified.	On-going

4. ILLICIT DISCHARGE DETECTION & ELIMINATION

Illicit discharges into a storm drain system are defined by EPA as “...any discharge to an MS4 (municipal separate storm sewer system) that is not composed entirely of storm water ...” Exceptions include permitted industrial sources and discharges from fire-fighting activities. Examples of illicit discharges include:

- Sanitary wastewater
- Effluent from septic tanks
- Car wash wastewaters
- Improper oil disposal
- Radiator flushing disposal
- Laundry wastewaters
- Spills from roadway accidents
- Swimming pool discharges (that have not been de-chlorinated)

These illicit discharges can enter a storm drain system either through a direct connection (e.g., a pipe connected directly to the storm drain) or indirectly (e.g., spills, dumped chemicals, cracks in sanitary sewers). As a result, inadequately treated wastes containing high levels of pollutants such as heavy metals, oil and grease, toxics, viruses, and bacteria can be discharged to receiving waters. This section describes BCC’s program to detect and eliminate both direct and indirect illicit discharges into the storm drain system.

4.1 ITEMS NOT REGULATED UNDER THIS MINIMUM CONTROL MEASURE

Certain discharges, although fitting the definition of “illicit,” are not regulated within this minimum control measure. These items pose little to no impact on receiving waters. Therefore, if any of the following discharges are observed over the course of implementing this minimum control measure, the EPA allows them to be excluded from storm water mitigation actions.

- Water line flushing
- Landscape irrigation
- Diverted stream flows
- Rising ground waters
- Uncontaminated ground water infiltration
- Uncontaminated pumped ground water
- Discharges from potable water sources
- Foundation drains
- Air conditioning discharge
- Irrigation water

- Springs
- Water from crawl space pumps
- Footing drains
- Lawn watering
- Individual residential car washing
- Flows from riparian habitats and wetlands
- Dechlorinated swimming pool discharges
- Street wash water

4.2 ILLICIT DISCHARGE CONTROL MECHANISMS

BCC's illicit discharge detection and elimination activities are confined to the campus' storm water collection system. The target populations for these efforts are faculty, staff, students, and college vendors. While BCC does not have the legal authority to enact laws prohibiting illicit discharges, the campus has/will adopt and implement various policies and procedures to help prevent them. These policies and procedures are described in other areas of this SWMP, but include, developing an illicit discharge policy, providing P2 BMPs to campus vendors, and outlining storm water management requirements relative to construction runoff in project documents.

4.3 COMPLETED ILLICIT DISCHARGE DETECTION & ELIMINATION ACTIVITIES

BCC has made significant progress in detecting and eliminating illicit discharges to the storm water collection system. Generally, the campus has the necessary staffing, equipment and resources to identify illicit discharges and properly manage its storm water collection system under the General Permit. If necessary, the services of a consultant will be retained for specific projects. Activities undertaken to date include:

1. In 2004, the College developed a Storm Drain System Map for the campus, depicting the various storm water conveyances and connections. The Map is available electronically and in hard copy. The Map was updated in August 2007.
2. Sediment, road salt, and solid waste were initially identified as pollutants of concern.
3. In 2007, an inventory of dry wells on campus was submitted to the EPA per the Underground Injection Control requirements.
4. During the course of the permit, BCC developed a Sanitary Drain System Map. The map was updated in August 2007. The results of the mapping do not indicate any illicit cross-connections between the sanitary and storm sewer systems. Four septic systems were identified and are maintained as described in Chapter 7. A copy of the Sanitary Drain System Map is included in Appendix F.
5. The four septic systems that were identified have been inspected and cleaned out.
6. A link was posted on the BCC web site to EPA information regarding illicit discharge detection and elimination.

The following subsections describe how these initial activities will be expanded and what additional activities are planned to identify illicit discharges.

4.4 PROPOSED BMPS – ILLICIT DISCHARGE DETECTION & ELIMINATION

4.4.1 Develop Illicit Discharge Prohibition Policy

An Illicit Storm Water Discharge Policy has been developed and will be communicated to the campus community. (See Appendix H.) The policy defines what constitutes an illicit discharge, explains why they are prohibited, and outlines the penalty for creating one on campus. The policy will be communicated to students, faculty and staff and will be enforced through verbal and written communications, as appropriate.

4.4.2 Maintain Storm Sewer System Map

In 2004, BCC developed a Storm Drain System Map for the campus, depicting the various storm water conveyances and connections. The Map was updated in August 2007. (See Appendix F.) According to Campus Operations staff, this drawing reflects the current storm sewer conditions, to the best of their knowledge. If subsequent information becomes available indicating updates are necessary to the Map, the updates will be completed in a timely manner.

4.4.3 Identify and Address Potential or Actual Illicit Discharges

As a requirement of the SPDES General Permit, the College must develop and implement an illicit discharge detection and elimination program with the goal of removing all illicit discharges from the MS4. Campus personnel identified the following areas where non-storm discharge connections are known or suspected to connect to the storm drain system.

- The floor drains in the Concrete Lab in the Mechanical Building discharge to a dry well. If the dry well becomes full, it overflows into the storm water system. Concrete waste is washed into the floor drains in the Concrete Lab.
- The Distillation Lab in the Science Building has floor drains that discharge to a dry well. If the dry well becomes full, it overflows into the storm water system. Typically, only condensate from the distillation process enters the floor drains in the Distillation Lab. However, large amounts of flammable solvents are stored in the room and utilized in the distillation process.
- Grease from the Restaurant Club and plaster of Paris from the Art Department have been dumped into storm drains in the past.
- The drain in the Wales custodial closet connects to a dry well. If the dry well becomes full, it overflows into the storm water system. Floor wash water is emptied into this drain. The drain has been permanently plugged.
- Ice melt from the Ice Center (containing paint) is discharged to the storm water system. BCC has contacted DEC to determine whether this is a permitted discharge, but has not received a reply.
- Trench drains in the Chemical Storage Room in the Science Building appear to discharge to an underground holding tank. If there is an underground holding tank, it is not known whether it has an outlet to the storm water or sanitary sewer system.

- A sanitary sewer pump station, owned and operated by the Town of Dickinson, is located on BCC property near Front Street. The pump station is designed to divert overflow into BCC's MS4 in the event of pump failure. According to the Water Supervisor for the Town of Dickinson, a dial-up notifies the supervisor of a failure at the station and there is a two to three hour timeframe in which a second pump can be activated manually before the pump station overflows to the storm system. The Town plans to install emergency power and automatic activation capability for the pump station in 2008. To the knowledge of BCC staff, this pump station has never actually backed up into the storm water system. BCC should coordinate with the Water Department to establish procedures for the Water Department to notify BCC in the event the pump station fails so that BCC can take steps (i.e., plug the catch basin inlet) to prevent a potential illicit discharge to their MS4.
- Street and parking lot sweepings are stockpiled in a dirt area behind the Campus Services Building. This material is likely contaminated with oil, grease, and road salt/sand, and stockpiling allows runoff from the pile to reach the storm water system. Another means of disposal for this material will be identified.

BCC will undertake a comprehensive illicit discharge detection and elimination program which will include the following steps, at a minimum:

1. Investigate areas of known or suspected non-storm water discharges as described above, and any additional ones that may be identified, and take actions to redirect and/or eliminate those that are connected to the storm drain system.
2. Perform inspection of the storm water outfalls and storm drain manholes during dry weather periods. If dry weather flows are observed, samples may be collected to determine the source. If necessary, dye testing and/or smoke testing could be used to confirm suspected connections.

Any illicit discharges (or areas where the potential for an illicit discharge exists) identified will be eliminated through engineering solutions (e.g. re-piping, providing secondary containment) or source elimination. Lessons learned from this program could be incorporated into articles placed in the student and/or staff newsletters as part of the Public Education and Outreach MCM.

4.4.4 Periodic Storm Drain System Inspections

Periodic follow-up inspections of the storm drain system will be performed by campus Officers on their patrols. Outfalls will be checked during dry weather periods and areas where outside activities may impact storm water runoff will be inspected. Catch basins will be checked for debris accumulation. Personnel will ensure the catch basin that receives flow from the neighborhood to the north is included in these inspections, and that any questionable flows are reported to the SWMP Coordinator.

4.5 IMPLEMENTATION SCHEDULE

The GP-02-02 permit has established a five-year implementation schedule for this Minimum Control Measure. Table 4-1 presents the schedule for implementation of these BMPs for the remaining term of the permit (Summer 2007 through January 2008).

4.6 DOCUMENTATION OF MCM PROGRESS

In order to provide the information required in the annual report to the DEC, progress made on this MCM will be documented throughout the year. Records will be kept of all meetings held, BMPs completed, and other pertinent work performed toward meeting the measurable goals for this MCM.

Table 4-1: Illicit Discharge Detection & Elimination MCM Schedule and Measurable Goals

ID	Best Management Practice	Measurable Goals	
		Task	Schedule
4.4.1	Develop Illicit Discharge Prohibition Policy	Develop Illicit Discharge Prohibition Policy.	Completed.
		Roll out policy to campus.	January 2008
4.4.2	Maintain Storm Sewer System Mapping	Revise current map if new/ additional information is discovered.	As needed.
4.4.3	Illicit Discharge Detection & Elimination Program	Perform initial/confirmation survey of known or suspected illicit connections identified in Section 4.4.3.	Fall 2007
		Eliminate illicit discharges that are identified.	Will depend on specific measures required. Goal of June 2008.
4.4.4	Periodic Storm Drain System Inspections	Perform periodic inspections of the storm drain during dry weather.	Beginning Fall 2007 and periodically thereafter.

5. CONSTRUCTION SITE RUNOFF CONTROL

Polluted storm water runoff from construction sites often flows into MS4s and ultimately discharges into local surface waters. Sediment is typically the main pollutant of concern. Sediment runoff rates from construction sites are 10 to 20 times greater than those of agricultural lands, and 1,000 to 2,000 times greater than forested lands.¹ Siltation and the accumulation of other pollutants from construction sites (i.e. fertilizers, oil and grease, construction debris) can cause physical, biological and chemical harm to the aquatic environment.

Under the SPDES General Permit, the MS4 operator is required to develop, implement, and enforce a program to reduce pollutants in construction site storm water runoff to their MS4 from new and redevelopment projects. The term “redevelopment” refers to alterations of a property that change the footprint of a site or a building in a way that involves land disturbance. This section is focused on construction site storm water runoff at BCC from projects that involve earth disturbance activities.

5.1 STORM WATER PERMITTING REQUIREMENTS FOR CONSTRUCTION ACTIVITIES

The Federal NPDES Storm Water Construction General Permit Program is administered in the State of New York by the DEC through the SPDES program. Storm water discharges to waters of the State from large construction sites (involving soil disturbances of 5 acres or more) and small construction sites (involving soil disturbances of 1 to 5 acres) require a permit. The SPDES Construction General Permit, GP-02-01, contains requirements such as: preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP), monitoring, reporting, and inspections.

If construction activities that trigger the regulatory thresholds are undertaken on the BCC campus, permit coverage must be obtained prior to commencement of construction. In order to obtain coverage, a SWPPP must be prepared for the construction project, and the NOI form must be completed and submitted to the DEC. Submittal of the completed NOI form is an affirmation that the storm water discharges are eligible for coverage under the Construction General Permit, and the SWPPP has been prepared and will be implemented. A copy Construction General Permit, GP-02-01 is provided in Appendix G for reference.

5.2 CONSTRUCTION PROJECT MANAGEMENT AND STORM WATER PERMITTING AT BCC

The Director of Campus Operations at BCC, has primary oversight for construction projects at BCC, and is the main liaison with engineering design firms. The responsibility for construction storm water permitting is typically the responsibility of the engineering design firm retained to design the project. BCC contract documents stipulate that storm water erosion control design, permitting, and management must be handled by the engineering design firm or a designated subcontractor. BCC Campus Operations personnel and Campus Safety conduct informal inspections of the work area to ensure proper erosion control measures are in place and that the SWPPP is being implemented. Campus Operations personnel also attend construction meetings.

In all cases, however, the College is the Owner of the construction site and is ultimately responsible for permit compliance. Consequently, BCC should ensure that construction permitting is properly addressed

¹ Source: U.S. Environmental Protection Agency, March 2000. *Storm Water Phase II Compliance Assistance Guide*. EPA 833-R-00-002.

during the project design, permit coverage is obtained prior to the commencement of construction, and the SWPPP requirements are implemented during construction of the project. The geographic area covered by this SWMP is limited to the BCC campus.

5.3 DEC TECHNICAL STANDARDS FOR EROSION & SEDIMENT CONTROL

The DEC technical standards for erosion and sediment control are contained in the “*New York State Standards and Specifications for Erosion and Sediment Control*,” August 2005. This document and other relevant information can be found on the DEC website at: <http://www.dec.ny.gov/chemical/29066.html>. This manual is intended for use by site developers and engineering design firms when preparing site development designs, plans and specifications for work in New York State. It contains technical information pertaining to erosion and sedimentation control measures prepared for and under the direction of the DEC. These standards should be incorporated into or referenced by the contract documents, and should also be used by Campus Operations when coordinating and overseeing design projects and/or construction activities at BCC.

5.4 PROPOSED BMPS – CONSTRUCTION SITE RUNOFF CONTROL

5.4.1 Develop Policy Requiring Sediment and Erosion Control Measures

As a required BMP under this MCM, BCC must develop an ordinance or other regulatory mechanism, such as a policy, that requires sediment and erosion control measures to be implemented for construction projects on campus that involve earth disturbance of one (1) acre or more.

For capital improvement projects, BCC must seek Broome County approval and utilize the County’s template contract. Broome County construction contracts require either that: 1) contractors comply with MS4 good housekeeping and storm water management requirements; or 2) contractors comply with pre-approved permit conditions contained in the project plans and specifications. The County is in the process of revising its purchasing type contracts to require that contractors comply with the MS4 MCMs, when appropriate. It is BCC’s intention to strictly enforce the erosion and sediment control measures described in the contract documents.

5.4.2 Construction Site Waste Management Information

Construction site waste such as plastic containers, nails, waste wood, and general trash often accumulate and can become strewn across construction sites if not properly contained and managed. Consequently, the General Permit requires the development of a BMP to address construction waste management within the contract documents. BCC must develop information to be provided to contractors that addresses proper handling, management and disposal of construction site waste. For most construction projects that would be undertaken on campus, the existing contract documents already contain specifications that direct the Contractor to properly manage and be responsible for proper disposal of construction site waste materials. As a minimum, BCC should ensure the contract includes the following provisions:

- The Contractor is responsible for the proper storage, handling and disposal of all wastes generated on the construction site while it is in storage on the site and while it is in transit for off-site disposal. Proper storage means that wastes (and/or chemicals) which could migrate with storm water runoff must be covered to prevent exposure to precipitation and, if necessary, provided with secondary containment (e.g., oil products, oily wastes).

- Construction site waste must not be allowed to migrate off the limits of the construction site onto adjacent campus areas and, specifically, into storm water catch basins or drainage swales.
- The College's waste storage containers are not to be used for disposal of construction site waste (unless specifically agreed to and approved by the College).
- The Contractor is responsible for the clean-up of any construction site waste that falls from waste transport vehicles while it is being transported through campus for off-site disposal.

5.4.3 Construction Site Plan Review Process

This BMP is also a required element of the MCM. Campus Operations personnel currently participate in the project planning process and throughout the project design phase. This involvement allows Campus Operations personnel to identify projects that trigger SPDES construction permitting and to track compliance with the permit requirements. Therefore, no new procedures are needed to satisfy this BMP.

5.4.4 Construction Inspection Procedures

Implementation of appropriate sediment and erosion controls is crucial to the success of this MCM within BCC's SWMP. To that end, BCC personnel should perform periodic inspections of all construction projects. The Construction General Permit requires the Operator to have a "qualified professional" conduct the following inspections:

- An initial inspection prior to the commencement of construction;
- At least every 7 calendar days after construction commences;
- Within 24 hours of the end of a storm event of 0.5" or more; and
- A final inspection prior to filing the Notice of Termination (NOT) to certify the site has undergone final stabilization and all temporary erosion and sediment controls have been removed.

A "qualified professional" means a person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control, or soil scientist. The SWPPP that is prepared for each project should specify these inspection requirements, identify the "qualified professional" and an inspection plan.

As part of this BMP, Campus Operations and Campus Safety personnel should perform periodic inspections of construction projects to evaluate the adequacy of the construction inspection program being implemented by the Contractor, and to assess the overall site condition relative to sedimentation and erosion. These inspections are not intended to satisfy the inspection requirements of the Construction General Permit. They are intended as a check to ensure the inspection program defined in the project-specific SWPPP is being properly implemented. A proposed construction inspection form for BCC is provided in Table 5-1. Alternatively, the sample inspection checklists contained in the *"New York State Stormwater Management Design Manual"* and/or the *"New York State Standards and Specifications for Erosion and Sediment Control"* could also be used as references in developing an inspection checklist. The SWPPP for the individual project should also be consulted when performing the inspections to ensure coordination and compliance.

5.5 IMPLEMENTATION SCHEDULE

The GP-02-02 permit has established a five-year implementation schedule for this Minimum Control Measure. Table 5-2 presents the schedule for implementation of the BMPs for the remaining term of the permit (Summer 2007 through January 2008).

Note: No construction projects disturbing more than one acre of land are currently planned for the term of this permit.

5.6 DOCUMENTATION OF MCM PROGRESS

In accordance with GP-02-02, BCC must prepare and submit an annual report to the DEC (refer to Section 8 of this Plan). In order to provide the information required in the annual report, progress made on this MCM will be documented throughout the year. Records will be kept of all meetings held, BMPs completed, and other pertinent work performed toward meeting the measurable goals for this MCM.

Table 5-1: BCC Construction Storm Water Inspection Form

Project Name: _____

Date: _____

BCC Construction Storm Water Inspections	Yes	No
The Contractor has posted the SPDES Permit No. or the Notice of Intent (NOI) form and the name of site contact person at the entrance to the construction site.		
The Contractor has provided a copy of the completed NOI and the Storm Water Pollution Prevention Plan (SWPPP) to BCC.		
The SWPPP is available on-site and is up-to-date.		
The Contractor has adhered to the sequence of soil disturbance activities identified in the SWPPP.		
The Contractor has reported any releases of hazardous substances to NYDEC and BCC.		
The Contractor has recorded the dates of major construction activities involving grading, stabilization, and work suspension.		
The Contractor has provided for assessments of storm water control measures by a Qualified Professional as required in the Construction General Permit and the SWPPP.		
The Contractor has completed, signed, and maintained inspection reports with the SWPPP that identify the dates of inspection, weather conditions, findings, and corrective actions.		
When an inspection indicates an amendment to the SWPPP is necessary, the Contractor has revised the SWPPP within 7 days of the inspection and provided SWPPP updates to BCC.		
Check site for the condition of the following: Have disturbed areas have been stabilized? Have more than 5 acres of land area been disturbed at one time? If so, has written approval been received from the NYDEC? Have storm drains been protected? Have materials stockpiles been stabilized or isolated? Is sediment/debris visible at drains or discharge locations? Is there evidence of sediment or loose gravel from site entrance onto the street? Are chemicals or oils stored near storm drains, discharge locations or surface waters? Are BMPs (e.g. filter fabric, hay bales, silt fencing) being adequately maintained? Are sediment ponds/traps filled beyond half capacity?		

Additional Comments/Observations: _____

Inspector's name: _____

Inspection Date/Time: _____

Signature: _____

Weather conditions: _____

Table 5-2: Construction Site Runoff Control MCM Schedule and Measurable Goals

ID	Best Management Practice	Measurable Goals	
		Task	Schedule
5.4.1	Develop BCC Sediment & Erosion Control Policy	Existing contract documents specify that contractor follow required SW management practices.	BMP in place; continue to implement.
5.4.2	Develop Construction Waste Management Information	Review existing contract documents to confirm they include appropriate provisions for construction site waste management. Work with Broome County to revise contract documents, if needed.	January 2008
5.4.3	Construction Site Plan Review Process	Continue to implement existing process for Campus Operations personnel review of projects and tracking permit compliance.	BMP in place; continue to implement.
5.4.4	Implement Construction Inspection Procedures	Begin conducting inspections of construction projects as they occur.	As covered projects occur.

6. POST-CONSTRUCTION STORM WATER MANAGEMENT

Development and redevelopment change the natural characteristics of a watershed and may result in an accompanying increase in surface runoff rates and volumes, and a loss of natural groundwater infiltration. This may impact surface water quality by increasing pollutant loads such as oil & grease, sediment, pesticides and litter; as well as increasing the receiving water temperature. Runoff in developed areas also modifies stream bank erosion and habitat. In the most extreme form, excessive storm water runoff in developed areas can increase the potential for flash flooding problems during heavy rain events. For these reasons, a post-construction storm water management program must include both non-structural BMPs (e.g., development planning policies) and structural BMPs (e.g., retention and infiltration measures) to prevent negative water quality impacts associated with development and re-development.

6.1 POST-CONSTRUCTION REQUIREMENTS UNDER CONSTRUCTION GENERAL PERMIT

Projects performed under a SPDES Construction General Permit, are required to include post-construction BMPs as part of the SWPPP. Post-construction BMPs are those that control pollutants in storm water after construction is complete and before “final stabilization.” Final stabilization means all soil disturbing activities have been completed and a uniform perennial vegetative cover has been established, or equivalent permanent stabilization measures (such as use of mulch, rip rap, gabions, or geotextiles) have been employed with a density of 80% of the previously existing background cover for unpaved areas and areas not covered by permanent structures.

6.2 PROPOSED BMPs – POST-CONSTRUCTION STORM WATER MANAGEMENT

BCC does not currently have a formal post-construction management program established for construction activities on campus, aside from clean-up activities stated in the construction project contract. This section proposes post-construction BMPs to achieve this MCM.

6.2.1 Post-Construction Storm Water Management Policy

As a required BMP under this MCM, BCC must develop a policy that regulates post-construction storm water runoff from development. The policy can be as in-depth as desired, but should include, as a minimum, siting and design goals such as:

- Limiting the peak flow rates of post-development storm water discharges to a specified design storm drain;
- Promoting infiltration practices to maintain groundwater recharge rates;
- Requiring that new development not discharge pollutant contaminated storm water directly into surface waters or the MS4; and
- Requiring the use of New York State approved BMPs as provided in the “*Stormwater Management Design Manual*.”

These requirements should be included in the Broome County contract template. BCC will work with the County to ensure these provisions are addressed in the contracting phase of the project.

6.2.2 Post-Construction Management, Inspection and Maintenance Practices

This BMP is also required by the General Permit. BCC must assess the existing conditions on campus to identify areas where additional management practices are needed to reduce (to the maximum extent practicable) pollutant discharges from sedimentation and/or erosion. For problem areas, consideration should be given to applying structural and non-structural control measures for site stabilization and discharge elimination. The erosion and sediment control standards contained in the *New York State Stormwater Management Design Manual* should be used/referenced as appropriate. It is BCC's policy to inspect stormwater structures and components annually to evaluate the effectiveness of the storm water management controls installed as part of construction projects on campus.

If inspections identify the need for maintenance, the inspector will notify the appropriate party (such as the Contractor if within the warranty period, or Campus Operations personnel if after the warranty period) to perform maintenance. If the required maintenance is beyond the capabilities of College personnel, it may be necessary to obtain the services of an outside contractor. A suggested post-construction inspection form is provided in Table 6-1. Alternatively, the sample inspection checklists contained in the *New York State Stormwater Management Design Manual* could also be used in developing an inspection form.

6.2.3 Procedures for Post-Construction Acceptance of Structural BMPs

At the completion of a construction project, BCC begins using the final product upon "substantial completion" of the work (i.e., when the final work product is operable and ready for use). Once all final punch list items have been resolved with the Contractor, the College signs a letter acknowledging "final acceptance" of the project and the Contractor's one-year warranty period begins. During the course of the warranty period, the Contractor may be called upon to address problems associated with the work, including issues associated with the improper operation of storm water controls. When the warranty period ends, the College assumes ongoing responsibility for such controls. At that point, the College should ensure that all documents associated with a structural control have been received and a responsible party is prepared to address any maintenance and service issues. The College already ensures these steps take place, so no additional action is required on this BMP other than to continue this practice.

6.3 IMPLEMENTATION SCHEDULE

The GP-02-02 permit has established a five-year implementation schedule for this Minimum Control Measure. Table 6-2 presents the schedule for implementation of the BMPs for the remaining term of the permit (Summer 2007 through January 2008).

6.4 DOCUMENTATION OF MCM PROGRESS

In accordance with GP-02-02, BCC must prepare and submit an annual report to the DEC (refer to Section 8 of this Plan). In order to provide the information required in the annual report, progress made on this MCM will be documented throughout the year. Records will be kept of all meetings held and other pertinent work performed toward meeting the measurable goals for this MCM.

Table 6-1: BCC Post-Construction Storm Water Inspection Form

Project Name: _____

Date: _____

BCC Post-Construction Storm Water Inspections	Yes	No
<p>Check site for the condition of the following:</p> <p>Have all soil disturbing activities at the site been completed?</p> <p>Have all disturbed areas have been stabilized?</p> <p>Have all stormwater discharges associated with construction activity been eliminated?</p> <p>Have all temporary sediment and erosion controls (not needed for long-term erosion control) been removed?</p> <p>Is sediment/debris visible at drains or discharge locations?</p> <p>Are permanent controls being adequately maintained?</p>		
The Contractor has achieved final stabilization of all areas of the site (for which he is responsible) where soil disturbing activities have been performed.		
The Contractor has provided an operation and maintenance manual for all permanent stormwater management structures to BCC.		
The Qualified Professional has performed a final site inspection and certified that site has undergone final stabilization; all temporary erosion and sediment controls have been removed.		
<p>The Contractor has completed and submitted the Notice of Termination (NOT) form to the NYDEC within 30 days after:</p> <ul style="list-style-type: none"> • final stabilization of all portions of the site for which the Contractor is responsible; • another Operator has assumed control of all areas of the site that have not been finally stabilized; or • coverage under an alternative SPDES permit has been obtained. 		
The Contractor has provided a copy of the NOT to BCC.		

Additional Comments/Observations: _____

Inspector's name: _____

Inspection Date/Time: _____

Signature: _____

Weather conditions: _____

Table 6-2: Post-Construction Storm Water Management MCM Schedule and Measurable Goals

ID	Best Management Practice	Measurable Goals	
		Task	Schedule
6.2.1	Develop Post-Construction Storm Water Management Policy	Work with Broome County to ensure these provisions are incorporated into contract language (if not already in place).	January 2008
		Incorporate provisions of the policy when performing Construction Site Plan Review (refer to Section 5.4.3).	As projects occur.
6.2.2	Post-Construction Storm Water Management, Inspection, and Maintenance Practices	Inspect existing conditions on campus to identify and assess area of sedimentation and erosion.	Fall 2007 and annually thereafter.
		If problem areas are observed, evaluate BMP options to reduce impact and implement. Refer to NYS Storm Water Management Design Manual and other guidance documents, as necessary. Arrange for any repairs that may be required.	As problems are identified.
6.2.3	Procedures for Post-Construction Acceptance of Stormwater Controls	Continue current practices for acceptance of post-construction control measures.	As projects occur.

7. POLLUTION PREVENTION & GOOD HOUSEKEEPING

The SPDES General Permit requires MS4s to develop and implement an operation and maintenance program designed to reduce and prevent the discharge of pollutants to the maximum extent practicable from municipal activities. This program must also include a training component. Management practices from *NYS Management Practices Catalogue for Non-Point Source Pollution Prevention* have been incorporated into this MCM as appropriate.

As the name implies, a significant portion of this measure is focused on “good housekeeping” through proper maintenance and storage of equipment and supplies.

7.1 POTENTIAL POLLUTANTS

Many potential pollutants are created by normal campus maintenance and operations activities that could have an impact on storm water quality. The implementation of P2 and good housekeeping practices can help prevent these every day activities from having a negative affect. The potential pollutants identified at BCC include:

- Parking lot and street sweepings
- Trash and debris accumulated over/in catch basins
- Discharges from improperly maintained septic systems
- Improper vehicle and equipment storage and washing practices
- Discharges from improperly maintained oil/water separators and grease traps
- Lawn care fertilizers and pesticides
- Snow melt debris
- Improperly stored road salt
- Debris from roadway and sidewalk repair activities
- Oil or chemical spills
- Oil and gasoline leaks from vehicles

7.2 PROPOSED BMPs – POLLUTION PREVENTION & GOOD HOUSEKEEPING

BCC currently implements many good housekeeping practices on campus (e.g. parking lot sweeping, trash collection). The campus is generally maintained in a clean and organized manner. The following sections describe the existing BMPs that are employed and the proposed additional BMPs that will be included in this MCM.

7.2.1 Parking Lot and Street Sweeping

Parking lot and street sweeping is performed annually by either the Town of Dickinson or a vendor using a large broom-type sweeper. The collected sweepings are currently stockpiled in a dirt area behind Campus Services, but other disposal options are being investigated. Sidewalks and patio areas are swept by the College personnel. Contractors who come on campus to perform other work that generates waste

materials requiring disposal blend the sweepings into their waste materials and truck it off-site for disposal. Regular street sweeping minimizes the discharge of sediment, debris, and oils and grease into the storm drain system. No additional measures are required.

7.2.2 Storm Drain System Cleaning & Maintenance

Storm drain system cleaning and maintenance is conducted at BCC on an as-needed basis. Activities may include inspection, power washing, and repair. If, during routine inspections, Campus Security notices any problems with the storm drain system, Plant Operations & Maintenance will be notified so that detailed inspections can be conducted and any necessary repairs made.

7.2.3 Septic System Maintenance

There are four septic systems on the BCC campus. Each is designed to serve as an emergency overflow in the event the sanitary sewer line plugs and backs up. The septic systems do not receive waste on a routine basis, and therefore are not expected to need routine pumping out. However, on an annual basis, BCC staff will open the septic tank covers to determine whether the tanks require cleaning.

7.2.4 Campus Vehicle & Equipment Maintenance, Washing and Storage

BCC currently owns, operates, maintains and stores several vehicles and larger pieces of equipment on campus. Vehicle and equipment maintenance is performed in the Campus Services Building. When it is necessary to store vehicles or equipment requiring repair outside, Garage personnel are trained to place a drip pan under the leaking area to collect fluids.

BCC requires vehicle/equipment maintenance and washing to be performed inside the Garage. The Garage floor drains flow to the sanitary sewer system.

7.2.5 Oil/Water Separator Maintenance

The oil/water separator located under the parking area outside Campus Services receives flow from the trench drains outside the building and one catch basin in the vicinity. The oil/water separator provides treatment of the collected storm water prior to discharge to the storm sewer. Only run off from the parking area enters the drains and oil/water separator; no waste waters are introduced. The College opens the oil/water separator annually, and so far it has never accumulated any oil or grease that required removal. The College will continue to conduct these annual inspections, and arrange for cleaning should it ever be necessary. No additional measures are needed for this BMP. The Garage operations, including management of the oil/water separator, are managed by Plant Operations & Maintenance.

Under this BMP, BCC will provide the vendor with a list of BMPs as outlined in Table 2-1.

7.2.6 Kitchen Grease Trap Maintenance

A grease trap is located under the sidewalk north of the dining area in the Student Center. The grease trap is connected to the sanitary sewer system. A contractor inspects the grease trap on a semi-annual basis and cleans it out as needed to ensure its proper functioning. No additional measures are needed for this BMP.

Under this BMP, BCC will provide the vendor with a list of BMPs as outlined in Table 2-1.

7.2.7 Landscaping and Lawn Care

BCC's Grounds crews perform general lawn care including: lawn repair, mowing, mulching, and new plantings. Grounds crew personnel are trained in the proper use of lawn maintenance equipment (including equipment fueling) and proper disposal of lawn and landscaping waste materials (e.g., grass clippings, tree branches, etc.).

The College contracts with a certified licensed vendor for lawn treatment services consisting of application of weed and feed products, conducted four times per year. True Green applies the lawn treatment chemicals directly from their trucks using spray applicators.

Under this BMP, BCC will provide the vendor with a list of BMPs as outlined in Table 2-1.

7.2.8 Snow Removal and Storage

The College Grounds staff performs snow plowing and roadway sanding operations in the winter. Snow is stockpiled at the edges of the parking lots during the winter. Once the piles melt, the debris is segregated out and disposed of separately. The snowmelt evaporates and/or drains toward the catch basins in the streets and parking areas. This BMP will consist of performing inspections of the snow stockpile areas in the spring to ensure the debris has been cleaned up and to assess the appearance of snowmelt runoff for evidence of contaminants.

7.2.9 Road Salt Storage

The College performs its own winter snow removal and roadway/sidewalk treatment using a salt/sand mixture. Several tons of salt/sand are stored inside the Salt Shed near the Campus Service Building, where it is protected from precipitation. BCC will ensure that any scattered salt/sand in the area is cleaned up throughout the winter, and that a final clean up of the storage area is conducted in the spring.

7.2.10 Roadway/Sidewalk Maintenance

At BCC, small roadway and sidewalk repair projects such as resurfacing, pothole/frost heave repair, and repair of asphalt around manholes and catch basins, as well as larger roadway and sidewalk maintenance projects are performed by BCC and/or outside contractors. Under this BMP, BCC will instruct contractors conducting road or sidewalk maintenance and repair to implement the following protective measures:

- Employ sediment and erosion controls around all repair areas involving earth disturbance and/or where asphalt or concrete are broken down or removed.
- Perform all paving operations that involve the use of concrete, asphalt and sealers during appropriate weather conditions.

7.2.11 Spill Prevention and Response

BCC has an Oil Spill Prevention Control and Countermeasure (SPCC) Plan that addresses oil storage facilities on campus and the associated spill prevention and response practices. Oil delivery and handling is conducted according to practices outlined in the Oil SPCC Plan. BCC will update and revise the Oil SPCC Plan, as needed, to remain current and provide designated personnel who have oil handling responsibilities with training related to spill prevention and response measures in accordance with the Plan. With proper implementation of the Oil SPCC Plan provisions, there is no need for additional measures under this BMP.

7.2.12 Leaking Vehicles

Due to the large number of student and staff vehicles routinely parked on campus, there is a likelihood of fairly frequent antifreeze, oil and gasoline leaks from vehicles. Security patrol vehicles are equipped with absorbent materials (i.e., pads, booms) that can be deployed in the event a leak is discovered during patrols. Every effort is made to prevent leaked fluids from reaching storm water catch basins located in the parking areas.

7.2.13 Trash Collection and Litter Control

Building trash collection and litter control are currently conducted by College Custodial and Maintenance personnel. Trash is stored in dumpsters located outdoors throughout the campus. The dumpsters are emptied every 1 – 2 days by a contractor. Maintenance personnel also routinely pick up litter and deposit it in trash dumpsters. This BMP will continue as currently performed and be supplemented with training to address proper placement of trash dumpsters relative to catch basins and drains and periodic inspections of the trash dumpster locations.

Under this BMP, BCC will provide the trash removal vendor with a list of BMPs as outlined in Table 2-1.

7.2.14 P2/Good Housekeeping Training

Training is a key component to a successful P2/good housekeeping program. Numerous staff members perform tasks that could result in the discharge of pollutants to the storm water system. Therefore, BCC will develop fact sheets and/or general training materials to address the P2/good housekeeping practices identified in this chapter. The training will be periodically conducted by the SWMP Coordinator or his designee for staff with related responsibilities. EPA has numerous resources on its web site that can be used to develop training materials.

7.3 IMPLEMENTATION SCHEDULE

The GP-02-02 permit has established a five-year implementation schedule for this Minimum Control Measure. Table 7-1 presents the schedule for implementation of the BMPs for the remaining term of the permit (Summer 2007 through January 2008).

7.4 DOCUMENTATION OF MCM PROGRESS

In accordance with GP-02-02 BCC must prepare and submit an annual report to the DEC (refer to Section 8 of this Plan). In order to provide the information required in the annual report, progress made on this MCM should be documented throughout the year. Records should be kept of all meetings held, BMPs completed (e.g. parking lot and street cleaning, and storm drain system maintenance), and other pertinent work performed toward meeting the measurable goals for this MCM.

Table 7-1: Pollution Prevention & Good Housekeeping Plan MCM Schedule and Measurable Goals

ID	Best Management Practice	Measurable Goals	
		Task	Schedule
7.2.1	Parking Lot and Street Sweeping	Continue current sweeping practices.	Continue with annual sweeping.
7.2.2	Storm Drain System Cleaning & Maintenance	Campus Safety will conduct routine inspections of storm drain system and notify Plant Operations & Maintenance of potential problems.	Conducted as needed.
7.2.3	Septic System Maintenance	Plant Operations and Maintenance will check the septic systems annually and arrange for clean out as needed.	Conducted summer 2007. Continue with annual checks.
7.2.4	Campus Vehicle & Equipment Maintenance, Washing & Storage	Existing policy dictates that measures are taken to contain leaking vehicles and equipment and that all vehicle washing takes place in the Garage.	Continue to enforce current policy.
7.2.5	Oil/Water Separator Maintenance	Inspect annually and cleanout as needed.	Continue with annual inspections.
7.2.6	Kitchen Grease Trap Maintenance	Inspected semi-annually and cleaned as needed by a contractor.	Semi-annually.
7.2.7	Landscaping & Lawn Care	Provide list of P2 BMPs to vendor.	January 2008
		Perform periodic inspections of lawn care contractor operations during service.	Periodic inspections.
7.2.8	Snow Removal & Storage	Perform inspections of snow stockpile areas in spring to ensure debris is cleaned up and properly disposed of.	Spring 2008
7.2.9	Road Salt/Sand Storage	Clean up spilled road salt/sand from storage area, as needed, during the winter.	As needed, throughout winter.
		Perform final spring clean-up of salt/sand storage area.	Spring 2008

ID	Best Management Practice	Measurable Goals	
		Task	Schedule
7.2.10	Roadway/Sidewalk Maintenance	Ensure that outside contractors employ protective measures.	Periodically as work is undertaken.
7.2.11	Spill Prevention & Response	Implement existing measures described in Oil SPCC Plan.	Continuous
7.2.12	Leaking Vehicles	Stock Security patrol vehicles with absorbent materials to prevent leaking vehicle fluids from entering storm drains.	Continuous
7.2.13	Trash Collection & Litter Control	Continue current trash collection practices.	Continuous
		Perform periodic inspections of trash dumpster areas.	Beginning Fall 2007.
7.2.14	P2/Good Housekeeping Training	Develop training materials based on the BMPs identified in this chapter.	Fall 2007
		Conduct training for applicable employees.	Beginning in Fall 2007

8. MONITORING, RECORDKEEPING, REPORTING & CERTIFICATION

8.1 MONITORING

In accordance with GP-02-02, BCC must conduct an annual evaluation of its program compliance, the appropriateness of its identified management practices, and progress towards achieving its identified measurable goals. As noted in each MCM section, progress made on the MCMs throughout the year will be documented by the responsible individuals for use in preparing the annual report (as described below).

8.2 RECORDKEEPING

BCC maintains records required by permit GP-02-02 for at least five years after they are generated. Records are submitted to the DEC when they are specifically requested. Records, including the NOI and this SWMP, are available to the public during regular business hours within ten working days of their approval by DEC.

8.3 ANNUAL REPORT

Reports for the annual period ending March 10 must be submitted to the appropriate DEC Regional Office no later than June 1 of each year on forms specified by the DEC (Storm Water Management Program Annual Report [SWMPAR] Table).

Reports for DEC Region 7 (covering Broome County) must be sent to:

NY State Region 7 Office
Division of Water
615 Erie Blvd. West
Syracuse, NY 13902-1017

Phone: 315-426-7500

Copies of BCC's SWMPARs, including DEC responses, are included in Appendix D.

8.4 CERTIFICATION

BCC must annually submit a Municipal Compliance Certification (MCC), on a form to be provided by the DEC, certifying that all applicable conditions of the MCMs are being implemented and complied with. The MCC may be submitted with the annual report, or subsequent to that but no later than June 1 of each year. The MCC must be signed by the same entity allowed to sign the NOI (see Signatory Requirements, below). If implementation of and/or compliance with any requirement cannot be certified to in the MCC, the MCC must include a description of why implementation/compliance is not being achieved and what is being done to implement/comply. Copies of BCC's annual MCCs are included in Appendix D.

8.5 SIGNATORY REQUIREMENTS

The General Permit contains, among other provisions, the following specific signatory requirements for NOIs, reports, certifications or other information submitted to the DEC (refer to GP-02-02, Part VI.I):

1. NOIs shall be signed by either a principal executive officer or ranking elected official.
2. All reports required by the General Permit and other information requested by the DEC shall be signed by a person described above or a duly authorized representative of that person. Authorization must be made in writing and submitted to the DEC.

BCC has designated the Vice President for Administration and Financial Affairs as the signatory authority.

APPENDIX A: DEFINITIONS

DEFINITIONS

Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of “waters of the United States.” BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Final Stabilization: All soil disturbing activities have been completed and a uniform perennial vegetative cover has been established or equivalent permanent stabilization measures (such as use of mulch, rip rap, gabions, or geotextiles) have been employed with a density of 80% of the previously existing background cover for unpaved areas and areas not covered by permanent structures.

Illicit discharge: Any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

Municipal: For the purpose of NPDES Phase II regulations, in addition to the State’s municipal governments, the term includes any publicly funded entity that owns or operates a separate stormwater sewer system. Examples of other public entities include State University Campuses.

Municipal Separate Storm Sewer System (MS4): A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying stormwater; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

Point Source: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Storm Water: Storm water runoff, snow melt runoff, and surface runoff and drainage.

Total Maximum Daily Load: A numerical limit on how much of a specified pollutant can enter a waterbody each day from all sources combined.

Urbanized Area: Outline the extent of automatically regulated areas.

Waters of the United States: All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; and all interstate waters, including interstate “wetlands;” and all other waters such as interstate lakes, rivers, streams, mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds; the use, degradation, or destruction of which would effect or could effect interstate or foreign commerce.

APPENDIX B: ACRONYMS

ACRONYMS

BCC	Broome Community College
BMP	Best Management Practice
CWA	Clean Water Act
DEC	New York State Department of Environmental Conservation
EPA	Environmental Protection Agency
GP	General Permit
MCC	Municipal Compliance Certification
MCM	Minimum Control Measure
MS4	Municipal Separate Storm Sewer System
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
OSHA	Occupational Health and Safety Administration
P2	Pollution Prevention
SPCC	Spill Prevention Control and Countermeasures
SPDES	State Pollutant Discharge Elimination System
SUNY	State University of New York
SWMP	Storm Water Management Plan
SWMPAR	Storm Water Management Program Annual Report
SWPPP	Storm Water Pollution Prevention Plan
TA	Target Audience
TMDL	Total Maximum Daily Load
UA	Urbanized Area

APPENDIX C: REFERENCES

REFERENCES

Broome Community College, July 31, 2007. *BCC Storm Drain System Map*.

Broome Community College, August 2, 2007. *BCC Sanitary Drain System Map*.

New York State, October 2001. *Stormwater Management Design Manual*. Prepared by the Center for Watershed Protection for the New York State Department of Environmental Conservation.

New York State, June 2000. *Construction Management Practices Catalogue for Nonpoint Source Pollution Prevention in New York State*. Prepared by New York State Nonpoint Source Management Practices Task Force.

New York State, June 2006. *Critical Path to Compliance: Minimum Control Measures for Stormwater Management*. Prepared by New York State Department of Environmental Conservation in cooperation with the New York State Association of Regional Councils.

New York State, April 1997. *Guidelines for Urban Erosion & Sediment Control*. Prepared by the New York State Urban Soil Erosion and Sediment Control Committee.

New York State, June 1994. *Roadway and Right-of-Way Maintenance Management Practices Catalogue for Nonpoint Source Pollution Prevention and Water Quality Protection in New York State*. Prepared by New York State Nonpoint Source Management Practices Task Force.

U.S. Environmental Protection Agency (EPA), March 2000. *Storm Water Phase II Compliance Assistance Guide*. EPA 833-R-00-002.

U.S. EPA, September 1992. *Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices*. EPA 832-R-92-005.

U.S. EPA, August 1999. *Preliminary Data Summary of Urban Storm Water Best Management Practices*. Prepared by Office of Science and Technology for the U.S. EPA. EPA-821-R-99-012.

APPENDIX D: COMPLETED NOTICE OF INTENT, ANNUAL MCCS AND SWMPARS, AND DEC RESPONSES

[To be inserted by BCC]

APPENDIX E: SPDES GENERAL PERMIT (GP-02-02)

APPENDIX F: BCC STORM AND SANITARY DRAIN SYSTEM DRAWINGS

**APPENDIX G: SPDES GENERAL PERMIT FOR STORM WATER
DISCHARGES ASSOCIATED WITH
CONSTRUCTION ACTIVITIES (GP-02-01)**

APPENDIX H: BCC ILLICIT STORM WATER DISCHARGE POLICY

Broome Community College Illicit Storm Water Discharge Policy

Policy Statement

Broome Community College (BCC) is required by federal and New York State regulations to seek coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems. This permit imposes numerous requirements on the college to properly manage its storm water discharges to prevent pollutants from entering waters of the state.

Furthermore, as a center of higher education, BCC has a special responsibility to conduct its operations in compliance with all applicable environmental regulations, and to serve as an example to our students, staff, campus users, and the public. Therefore, it is the policy of BCC to take all prudent steps to protect our natural water resources. A very important component of this goal is proper storm water system management. Rainwater and snowmelt run off streets, lawns, farms, and construction and industrial sites and pick up fertilizers, dirt, pesticides, oil and grease, and many other pollutants on the way to rivers, lakes, and coastal waters. According to the federal Environmental Protection Agency, storm water runoff is the most common cause of water pollution.

BCC is committed to conducting campus operations in a manner to prevent all illicit non-storm water discharges to the storm water system. Storm water collected from the BCC campus discharges to the Chenango River and Cutler Pond. Therefore, any illicit materials entering the storm water system have the potential to adversely impact these water bodies and the wildlife that lives in and around them.

BCC Administration fully supports this policy and intends to enforce all restrictions against illicit storm water discharges.

What is an Illicit Discharge?

BCC has developed and is implementing a Storm Water Management Program, part of which identifies potential illicit discharges connected to campus operations, and details pollution prevention and good housekeeping practices to prevent such discharges. However, proper storm water management requires the cooperation of the entire campus community.

Many people may not be aware that the storm water catch basins - the grated openings in the ground and in parking areas throughout campus - lead directly to either the Chenango River or Cutler Pond. These basins do not lead to the sanitary sewer system where the discharges may be treated at the local Publicly Owned Treatment Works. Therefore, dumping materials into storm water catch basins is essentially the same as dumping them directly into the Chenango River or Cutler Pond.

Regulations define an "illicit discharge" as "any discharge ... that is not composed entirely of storm water" (except discharges from fire fighting activities and a few other exempt activities). Some examples of potential illicit storm water discharges that could occur at BCC include:

- Vehicle or custodial wash water
- Oil or gasoline from spills or vehicle accidents
- Improperly disposed kitchen grease
- Sediment and debris from construction sites
- Trash and debris accumulated over catch basins

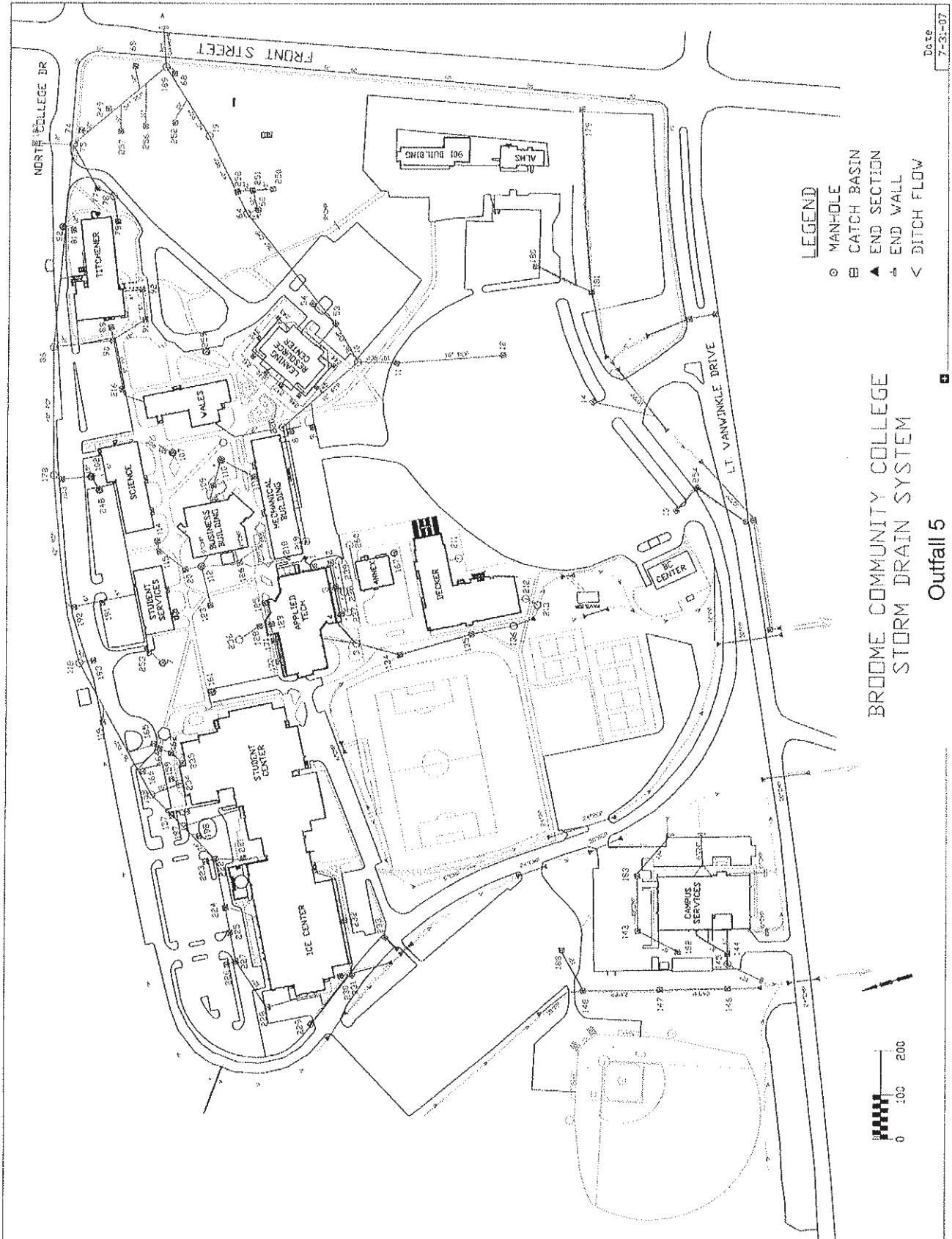
- Improperly applied pesticides and fertilizers

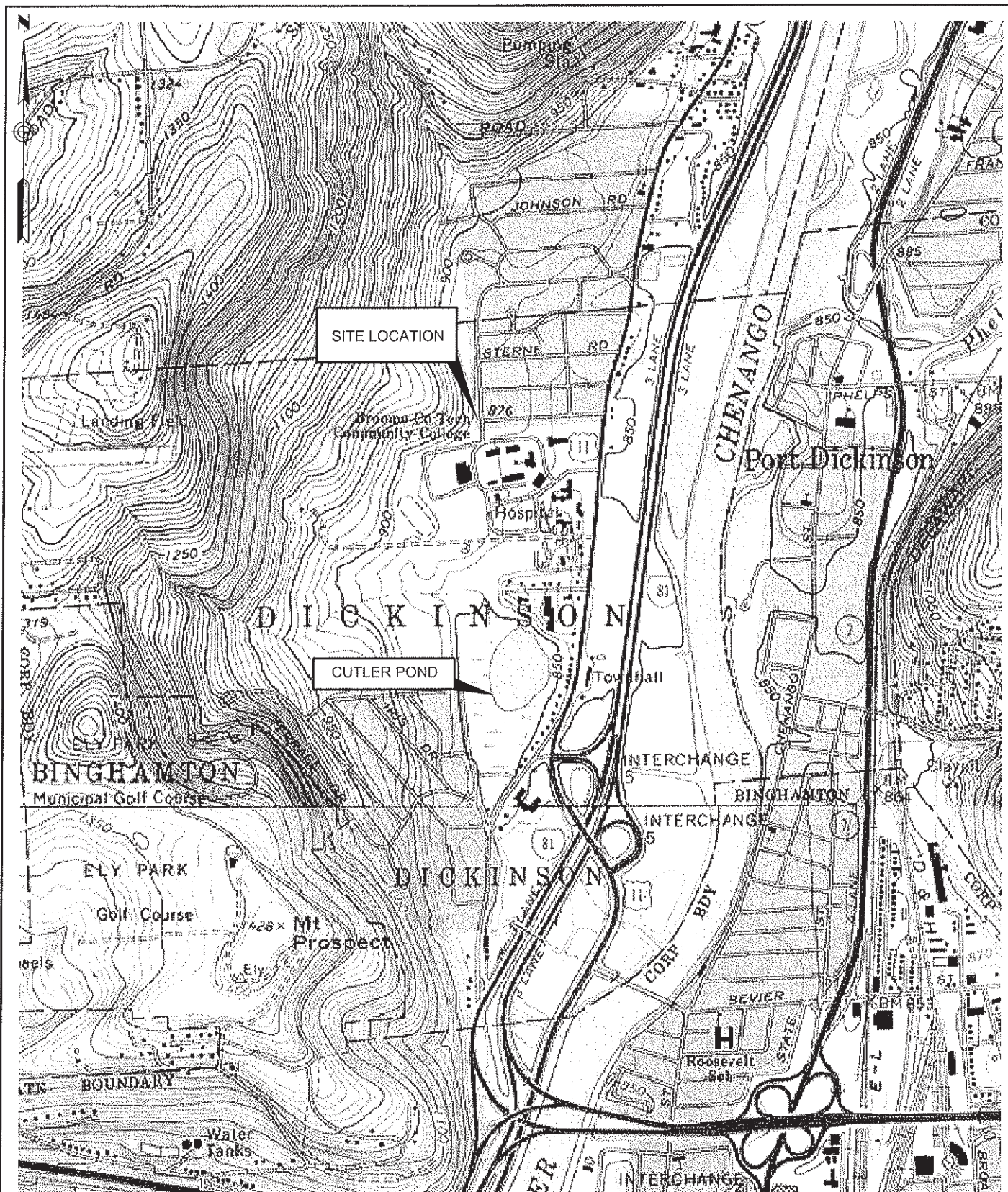
BCC faculty, staff, and students are responsible for preventing any of these or other illicit discharges to the storm water system. For additional information of storm water management and illicit discharges, contact Joe O'Connor, Director of Campus Safety and Security, at 778-5379.

Consequences of Non-Compliance

There are several potential negative consequences of non-compliance with this policy. Illicit storm water discharges can compromise water quality, affect potable water supplies and wells, and impact wildlife that rely on the receiving water bodies. BCC may also receive violations and fines issued by State and federal agencies for non-compliance with applicable storm water regulations and the college's SPDES permit.

Therefore, BCC Administration requests and expects that all campus community members (faculty, staff, and students) will take action to prevent illicit storm water discharges. Directly discharging any waste into a storm water catch basin is strictly prohibited. Anyone found in violation of this policy is subject to administrative punishment; employees will be referred to their supervisors and students will be referred to the Vice President for Student Affairs.





SOURCE: TOPO! ©2001 National Geographic Holdings, Inc.

1500' 0 1500' 3000'

BAR SCALE
1" = 1500'



41 HUTCHINS DRIVE
PORTLAND, MAINE 04102
800.426.4262 | www.woodardcurran.com

COMMITMENT & INTEGRITY DRIVE RESULTS

SITE LOCATION MAP

DESIGNED BY: BC
DRAWN BY: PET

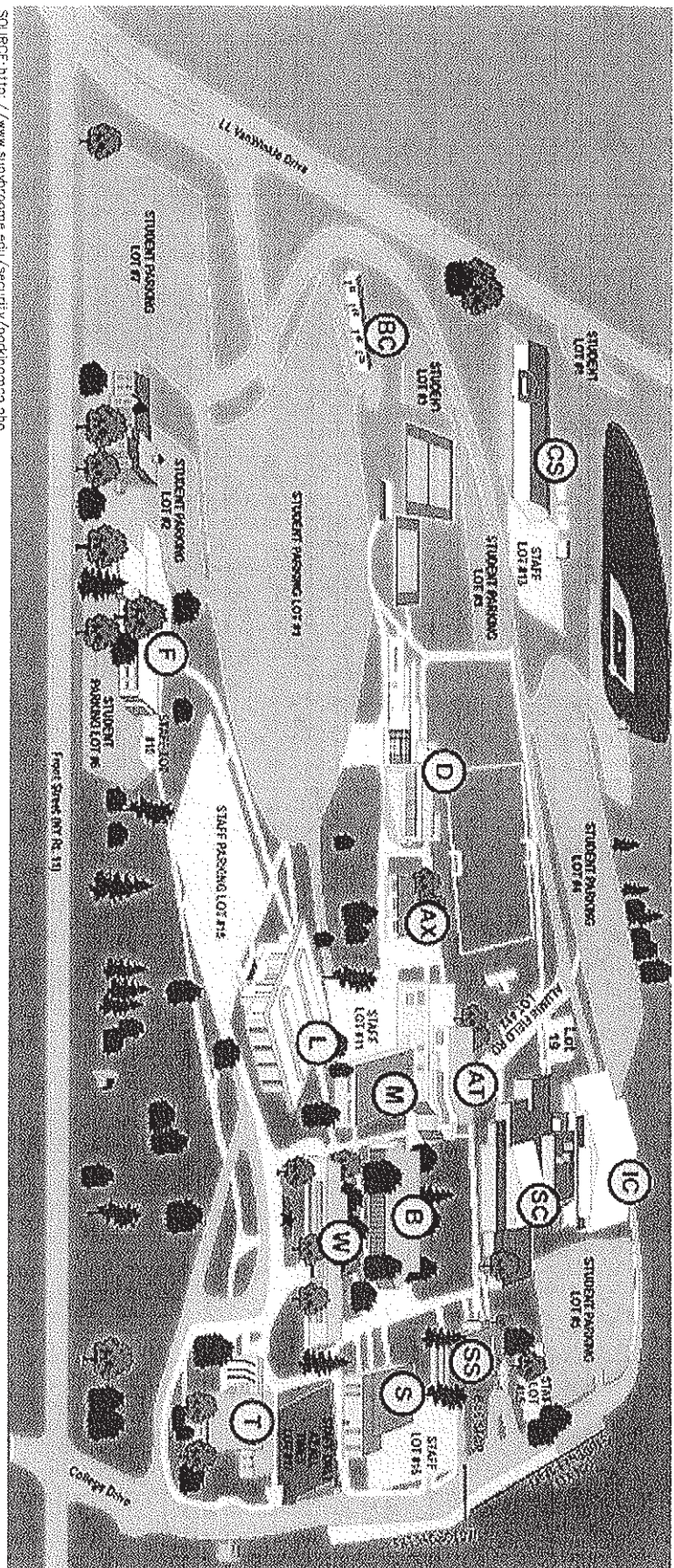
CHECKED BY: RLJ
2188930001-1500c loc.dwg

BROOME COMMUNITY COLLEGE
UPPER FRONT STREET
BINGHAMTON, NY

STORMWATER MANAGEMENT PLAN

JOB NO. 21889300
DATE: JANUARY 2005
SCALE: AS SHOWN


FIGURE 1-1

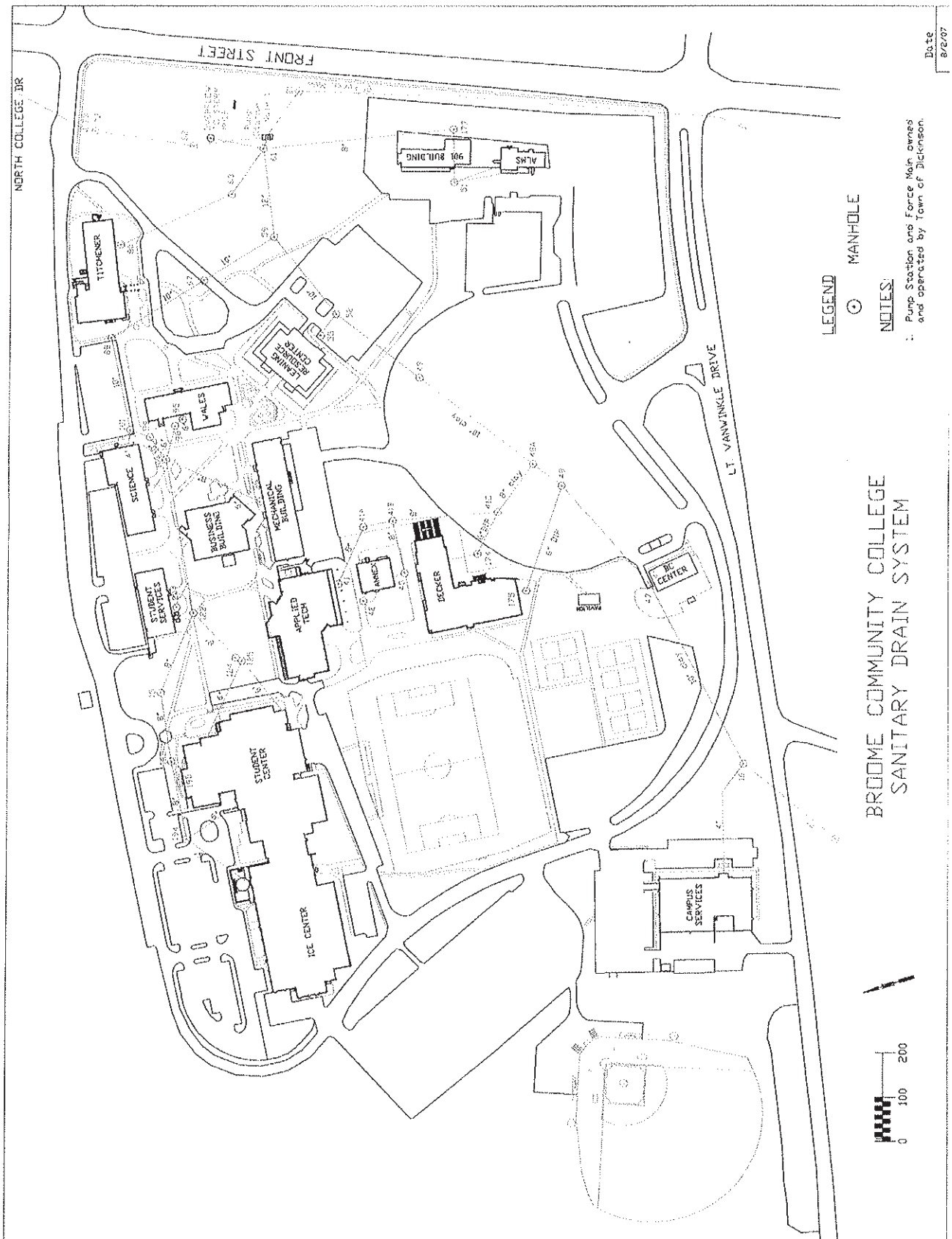


SOURCE: <http://www.sunpbrooms.edu/security/parkingmap.php>

BUILDING KEY:

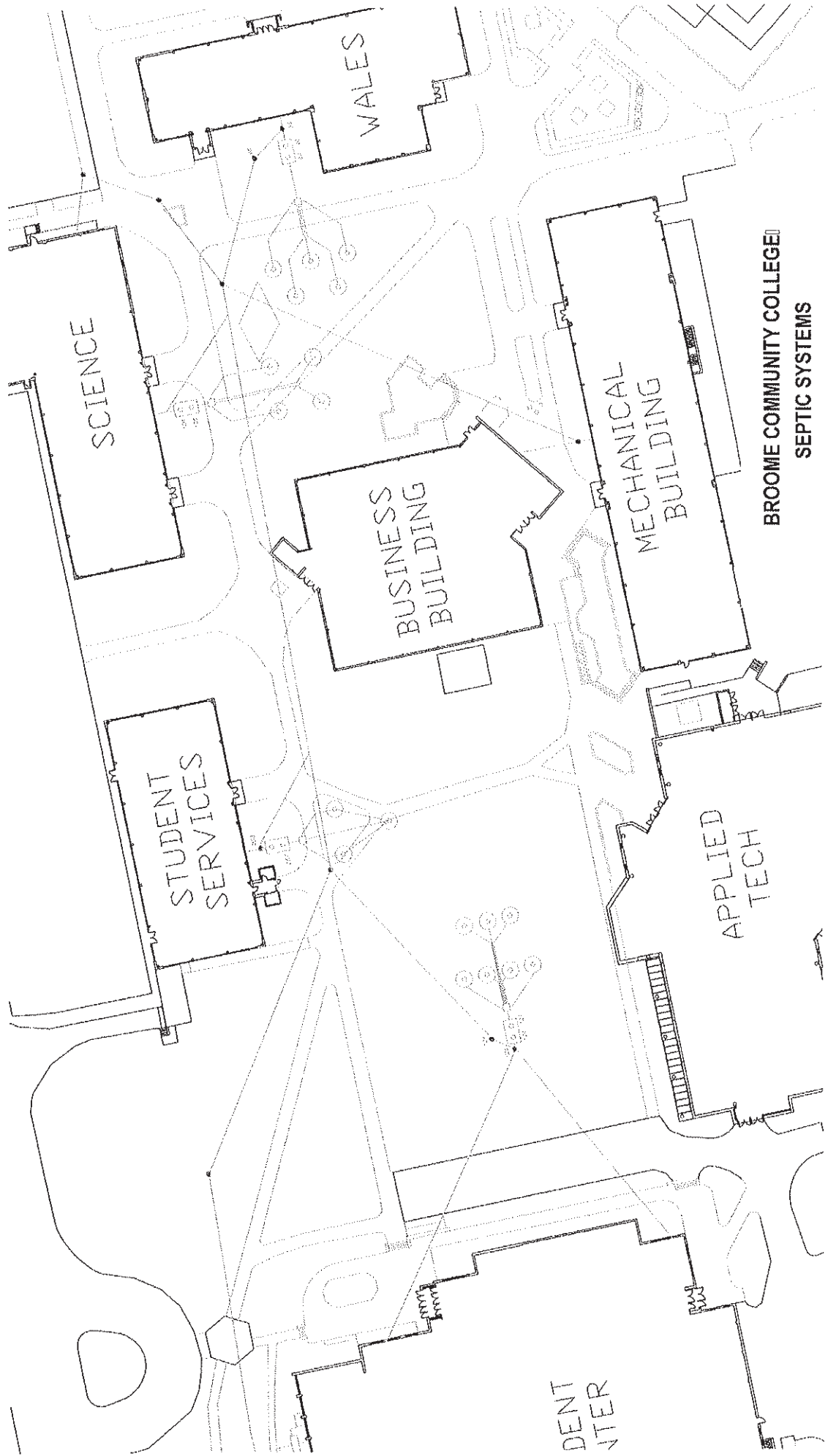
AT	APPLIED TECHNOLOGY BUILDING	SS	STUDENT SERVICE BUILDING
AX	ARTS ANNEX	SC	STUDENT CENTER
B	BUSINESS BUILDING	T	PAUL F. TITCHENER HALL
BC	B.C. CENTER (CHILD CARE)	W	DARWIN R. WALES ADMINISTRATION BUILDING
CS	CAMPUS SERVICES BUILDING		
D	DECKER HEALTH SCIENCE CENTER		
F	901 FRONT STREET		
IC	ICE CENTER		
L	CECIL C. TYRELL LEARNING RESOURCE CENTER (LIBRARY)		
M	MECHANICAL BUILDING		
S	SCIENCE BUILDING		

BROOME COMMUNITY COLLEGE UPPER FRONT STREET BINGHAMTON, NY		CAMPUS MAP		 41 HUTCHINS DRIVE PORTLAND, MAINE 04102 800.426.4262 www.woodardcurran.com COMMITMENT & INTEGRITY DRIVE RESULTS
STORMWATER MANAGEMENT PLAN		DESIGNED BY: BC DRAWN BY: PFF CHECKED BY: KLT 21089300X1-2-Campus_map.dwg		
DATE: JANUARY 2006 SCALE: NONE		FIGURE 1-2		



BROOME COMMUNITY COLLEGE SANITARY DRAIN SYSTEM

Date
8/2/07



BROOME COMMUNITY COLLEGE
SEPTIC SYSTEMS

Appendix C

Audit Agenda

Tentative Agenda for MS4 Program Audit Broome Community College, New York April 24—25, 2012

Day	Time	Team 1 Program/Agenda Item	Team 2 Program/Agenda Item
Tuesday, April 24, 2012	8:00 am - 8:30 am	Kick-off Meeting & Program Management Overview (Office)	
	8:30 am - 10:00 am	Illicit Discharge Detection and Elimination (Office)	
	10:00 am - 12:00 pm	Pollution Prevention/Good Housekeeping for Municipal Operations—including Planning of Field Logistics for Tuesday Afternoon (Office)	
	12:00 pm - 1:00 pm	Lunch Break	
	1:00 pm - 3:00 pm	Pollution Prevention/Good Housekeeping for Municipal Operations (Field)	Construction Site Stormwater Runoff Control (Office)
	3:00 pm - 4:30 pm		Post-Construction Stormwater Management (Office)
	4:30 pm - 5:00 pm	Recap and Logistics Planning for Wednesday	
Wednesday, April 25, 2012	8:00 am - 9:00 am	Illicit Discharge Detection and Elimination (Field)	Construction Site Stormwater Runoff Control / Post-Construction Stormwater Management (Field)
	9:00 am - 12:00 pm		
	12:00 pm - 1:00 pm	Lunch Break	
	1:00 pm - 3:00 pm	Open Period for Additional Activities ¹ (Tentative time slot)	
	3:00 pm - 3:30 pm	Internal Discussion ²	
	3:30 pm - 4:30 pm	Closing Conference ³ (Tentative time slot)	

¹ Open Period for Additional Activities – Will be decided by the auditors during the audit activity in collaboration with College staff.

² Internal Discussion – Time for auditors to arrange notes and prepare information to be discussed with the College at the Closing Conference. College participation is not expected.

³ The College is encouraged to invite representatives from all applicable organizational divisions/departments.

Appendix D
Exhibit Log

Exhibit 1
EPA Records Request

EPA MS4 PROGRAM COMPLIANCE AUDIT - Broome Community College, New York

April 23-24, 2012

Pre Audit Questionnaire and Records Request

Program Management/Kick-off Meeting						
Item No.	Document(s) Requested	Document Provided (please select Yes/No)	Formal Title(s) of Document(s) Provided and Date/Version	Department Responsible for Document(s)	Web Link to Document(s) Provided (Yes/No; please provide web address information)	Additional Information Regarding Requested Item (Comments/Notes)
1	Current Stormwater Management Program (SWMP) Plan					
2	MS4 Annual Report (most recent Reporting Year)					
3	Municipal Compliance Certification (MCC; most recent Reporting Year)					
4	Program organizational chart and/or a description of the departments and personnel involved in the implementation of your MS4 program and their responsibilities					
5	Map of the permitted area and receiving waters, basins, and segments, including any TMDL or 303(d) listed waters					
6	Any formal agreements with other entities or local governments for implementation of your MS4 programs (e.g., memoranda of understanding)					
Illicit Discharge Detection and Elimination (IDDE)						
Please Provide a Description of the Departments/Divisions Involved in Program Element and Brief Description of Responsibilities:						
Item No.	Document(s) Requested	Document Provided (please select Yes/No)	Formal Title(s) of Document(s) Provided and Date/Version	Department Responsible for Document(s)	Web Link to Document(s) Provided (Yes/No; please provide web address information)	Additional Information Regarding Requested Item (Comments/Notes)
7	Regulatory mechanism(s) prohibiting non-stormwater discharges to the MS4					
8	Written directive from person authorized to sign NOI stating regulatory mechanisms must be used and describing positions responsible for compliance					
9	Procedures for receiving and investigating public/employee complaints					
10	Inventory of reported incidents of illicit discharges/connections/spills and resolution (most recent Reporting Year)					
11	Employee/maintenance personnel training records and syllabus pertaining to IDDE (most recent Reporting Year)					
12	At time of audit, provide onsite demonstration of storm drain system mapping tools. Emphasize layers/mapping that informs the MS4 program activities (e.g., storm drain system, structural controls, outfalls, receiving waters, etc.)					
13	Priority list of risk areas in the storm drain system (most recent Reporting Year)					
14	Documentation of Outfall Reconnaissance Inventory including records of outfall inspections/dry weather field screening and monitoring (most recent Reporting Year)					
15	Written procedures for field screening outfalls and procedures for IDDE					
16	Example/case file of an illicit discharge incident where enforcement was used (ideally full extent of enforcement authority)					

Pollution Prevention/Good Housekeeping for Municipal Operations						
Please Provide a Description of the Departments/Divisions Involved in Program Element and Brief Description of Responsibilities: Example: Public Works Engineering Manager - Responsible for facility pollution prevention plan development and oversight.						
Item No.	Document(s) Requested	Document Provided (please select Yes/No)	Formal Title(s) of Document(s) Provided and Date/Version	Department Responsible for Document(s)	Web Link to Document(s) Provided (Yes/No; please provide web address information)	Additional Information Regarding Requested Item (Comments/Notes)
17	Map/inventory of College facilities and properties within the permitted area (e.g., road maintenance facilities, stockpile sites, storage and material handling areas, etc.)					
18	Example Facility Stormwater Pollution Prevention Plan (SWPPP) document—EPA Audit Team may select additional sites at the time of the audit					
19	Operational BMPs developed to reduce stormwater pollution from College facilities and activities					
20	Documentation of Self-Assessment of all College operations and facilities (current Permit term)					
21	Records of College facility inspections conducted for stormwater purposes (most recent Reporting Year)—EPA Audit Team may select specific sites at the time of the audit					
22	Examples where runoff reduction techniques and green infrastructure were incorporated into the upgrade of existing stormwater conveyance systems or College properties					
23	Procedures for ensuring contracted services provided to the College are conducted in accordance with permit requirements (e.g., example contract)					
24	Standard operating procedures (SOPs) for inspection and cleaning of the storm drain system (include checklists used in the field)					
25	Procedures for the proper disposal of waste materials removed from the MS4					
26	Employee/maintenance personnel training plan, records, and syllabus pertaining to pollution prevention/good housekeeping (most recent Reporting Year)					

Construction Site Stormwater Runoff Control						
Please Provide a Description of the Departments/Divisions Involved in Program Element and Brief Description of Responsibilities: Example: Development Review Division - Develop erosion and sediment/stormwater control standards. Staff conduct inspections and day-to-day oversight of private projects during earth disturbance activities.						
Item No.	Document(s) Requested	Document Provided (please select Yes/No)	Formal Title(s) of Document(s) Provided and Date/Version	Department Responsible for Document(s)	Web Link to Document(s) Provided (Yes/No; please provide web address information)	Additional Information Regarding Requested Item (Comments/Notes)
27	All construction-related regulatory mechanisms pertaining to erosion, sediment, and waste control					
28	Written directive from person authorized to sign NOI stating regulatory mechanisms must be used and describing positions responsible for compliance					
29	Construction BMP Manual					
30	Map/inventory of current active construction sites in the permitted area showing location (differentiating College sponsored from private projects)					
31	Construction inspection records (most recent Reporting Year)—EPA Audit Team will select specific sites at the time of the audit					
32	Procedures for receipt and follow up on complaints or other information submitted by the public regarding construction sites (include example of actual complaint call documentation and resolution)					
33	Example/case file of a construction site issue where enforcement of regulatory mechanism was used (ideally full extent of enforcement authority)					
34	Documentation of education / training for construction site owner/operators, design engineers, College staff, and other individuals to whom the construction stormwater requirements apply					

Post-Construction Stormwater Management						
Please Provide a Description of the Departments/Divisions Involved in Program Element and Brief Description of Responsibilities: Example: Development Review Division - Oversees post-construction program element. Staff conduct reviews of site plans for post-construction controls, conduct inspections, and ensure long-term O&M of post-construction controls.						
Item No.	Document(s) Requested	Document Provided (please select Yes/No)	Formal Title(s) of Document(s) Provided and Date/Version	Department Responsible for Document(s)	Web Link to Document(s) Provided (Yes/No; please provide web address information)	Additional Information Regarding Requested Item (Comments/Notes)
35	All post-construction related regulatory mechanisms pertaining to post-construction runoff controls for new development and re-development projects					
36	Written directive from person authorized to sign NOI stating regulatory mechanisms must be used and describing positions responsible for compliance					
37	Design manual for post-construction control					
38	Map/inventory of post-construction stormwater management practices within the College's jurisdiction					
39	Procedures for post-construction stormwater management practice inspection and enforcement (including applicable checklists)					
40	Records of inspections of post-construction stormwater management practices (most recent Reporting Year)					
41	Records of maintenance for post-construction stormwater management practices (most recent Reporting Year)					
42	Documentation of training for College staff that conduct post-construction stormwater management practice inspections					

In Addition to the Numbered Items Requested Above: Provide Any Other Documents or Tools You Believe Demonstrate Program Development and Structure.

[illegible]

Exhibit 2
Storm Drain Inspection Lists for March 2012

Drain Inspection

Month & Year 3/2012

At-Bldg

Storm Drain ID	Date of Inspection	Initials & Badge #	Status	Work Order Y/N (If yes Date)	Incident Report # (Date Filed)	Re-Inspection Date	Initials & Badge #	Status After Re-Inspection
1	3/18/12	891 SPB	LEAVES & TRASH NEED CLEAN UP & DRAIN					
2	3/18/12	891 SPB	LEAVES & TRASH NEED TO BE CLEANED UP, CLEAN AROUND DRAIN					
3	3/18/12	891 SPB	OK					
4	3/18/12	891 SPB	OK					
170	3/18/12	891 SPB	OK					
171	3/18/12	891 SPB	OK					
128	3/18/12	891 SPB	OK					
185	3/18/12	891 SPB	TRASH IN DRAIN					
218	3/18/12	891 SPB	OK					
129	3/18/12	891 SPB	OK					

SS-Bldg

7	3/18/12	891 SPB	OK					
253	3/18/12	891 SPB	LEAVES & GRAVEL REMOVE FROM DRAIN					
119	3/18/12	891 SPB	OK					
193	3/18/12	891 SPB	OK IN DRAIN, CLEAN GRAVEL FROM AROUND					
192	3/18/12	891 SPB	OK					
191	3/18/12	891 SPB	OK - NEED CIGARET AND GRAVEL REMOVE FROM AROUND DRAIN					
115	3/18/12	891 SPB	LEAVES AND TRASH NEED REMOVE					
123	3/18/12	891 SPB	OK					

S-Bldg

114	3/18/12	891 SPB	NEEDS LEAVES AND TRASH REMOVE					
248	3/18/12	891 SPB	GRAVEL AROUND DRAIN REMOVE					
103	3/18/12	891 SPB	OK					
102	3/18/12	891 SPB	LEAVES REMOVE					

W-Bldg

107	3/18/12	891 SPB	LEAVES REMOVE					
216	3/18/12	891 SPB	TRASH REMOVE					
259	3/18/12	891 SPB	LEAVES REMOVE					

4/24/12

Drain Inspection
Month & Year 3/2012

SC-Bldg

Storm Drain ID	Date of Inspection	Initials & Badge #	Status	Work Order Y/N (If yes Date)	Incident Report # (Date Filed)	Re-Inspection Date	Initials & Badge #	Status After Re-Inspection
161	3/18/12	891 SPB	TRASH IN AND AROUND REMOVED					
162	3/18/12	891 SPB	LEAVES REMOVED					
164	3/18/12	891 SPB	LEAVES REMOVED					
165	3/18/12	891 SPB	DRAIN VED FIXED - AREA AROUND IS COLLECTING					
159	3/18/12	891 SPB	REMOVE LEAVES, EDGE AROUND DRAIN					
166	3/18/12	891 SPB	REMOVE GRAVEL FROM AROUND DRAIN					
157	3/18/12	891 SPB	OK					
198	3/18/12	891 SPB	REMOVE GRAVEL FROM AROUND DRAIN					
221	3/18/12	891 SPB	OK					
222	3/18/12	891 SPB	OK					
223	3/18/12	891 SPB	REMOVE TRASH AND GRAVEL IN AROUND DRAIN					
235	3/18/12	891 SPB	REMOVE LEAVES					

IC-Bldg

224	3/18/12	891 SPB	REMOVE TRASH					
225			" " "					
226			REMOVE TRASH & GRAVEL FROM AROUND DRAIN					
227			OK, REMOVE GRAVEL FROM AROUND DRAIN					
228			REMOVE TRASH & GRAVEL FROM " "					
229			REMOVE TRASH					
230			OK, EDGE AROUND DRAIN					
231			REMOVE GRAVEL FROM AROUND DRAIN					
232			EDGE AROUND DRAIN					
233	3/18/12	891 SPB	TRASH & GRAVEL REMOVE IN AROUND DRAIN					

L-Bldg

54	3/18/12	891 SPB	DRAIN OK, AREA AROUND NEEDS FIXED					
53			" " " "					
11			REMOVE GRAVEL & TRASH FROM AROUND DRAIN					
9			PINE NEEDLES & GRAVEL AROUND NEEDS REMOVED					
8	3/18/12	891 SPB	OK					

Drain Inspection

Month & Year 3/2012

T-Bldg

Storm Drain ID	Date of Inspection	Initials & Badge #	Status	Work Order Y/N (If yes Date)	Incident Report # (Date Filed)	Re-Inspection Date	Initials & Badge #	Status After Re-Inspection
90	3/18/12	891 SP	LEAVES NEED REMOVED FROM DRAIN/TRASH/GRAVEL					
89			LEAVES NEED REMOVED					
91			MULCH AROUND DRAIN					
92			MULCH AROUND DRAIN, EDGE AROUND DRAIN					
79			EDGE AROUND DRAIN					
77			LEAVES REMOVE, EDGE AROUND DRAIN					
81			OK					
82			REMOVE GRAVEL AROUND DRAIN					
187			REMOVE TRASH/GRASS/LEAVES					
257			REMOVE LEAVES					
69			REMOVE LEAVES & PLANTS FROM DRAIN					
256			REMOVE LEAVES & TRASH					
68			REMOVE LEAVES					
251	3/18/12	891 SP	OK					

F-Bldg

179	3/18/12	891 SP	REMOVE LEAVES & TRASH					
181			OK					
12			REMOVE TRASH					
14	3/18/12	891 SP	REMOVE TRASH & GRAVEL IN & AROUND DRAIN					

BC-Bldg

13	3/18/12	891 SP	REMOVE TRASH & GRAVEL IN & AROUND (EDGE AREA) DRAIN					
254	3/18/12	891 SP	REMOVE LEAVES & STICKS FROM DRAIN					

CS-Bldg

183	3/18/12	891 SP	OK					
143			REMOVE TRASH / AREA AROUND NEEDS FIXED					
182			REMOVE LEAVES, GRAVEL, STICKS, IN DRAIN					
144			REMOVE LEAVES & GRAVEL IN DRAIN					
146			OK					
147			NEEDS AREA AROUND FIXED					
148			OK					
188	3/18/12	891 SP	REMOVE GRAVEL FROM AROUND DRAIN					

Drain Inspection
Month & Year 3/2012

D-Bldg

Storm Drain ID	Date of Inspection	Initials & Badge #	Status	Work Order Y/N (If yes Date)	Incident Report # (Date Filed)	Re-Inspection Date	Initials & Badge #	Status After Re-Inspection
167	3/19/12	891 873	REMOVE LEAVES					
134								
135	3/18/12	891 873	OK					

B-Bldg

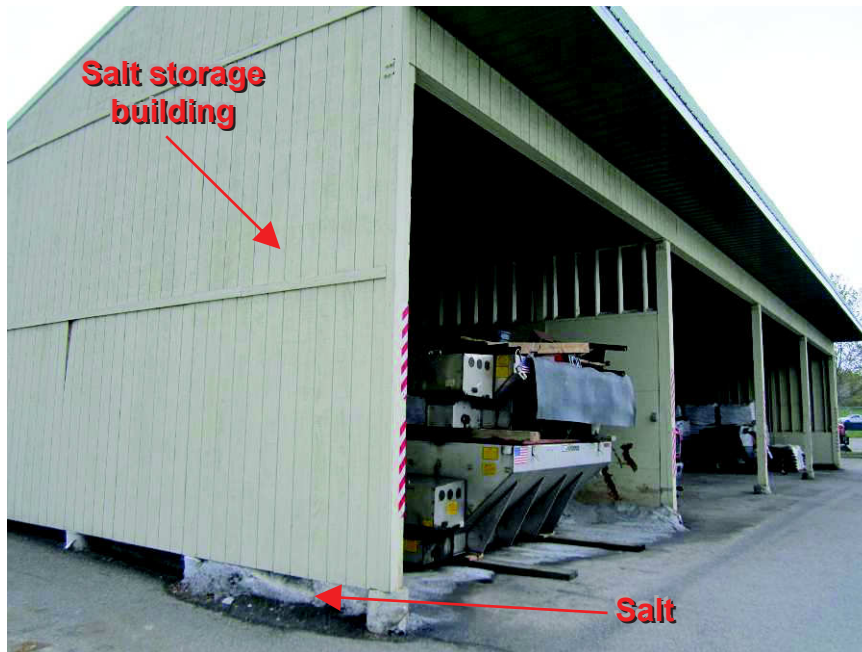
109	3/18/12	891 873	DRIVE PAVED w/ DRIFT, LEAVES					
110			REMOVE LEAVES					
258			OK					
255			OK					
186			REMOVE LEAVES, EDGE AROUND DRAIN					
112			OK					
20	3/18/12	891 873	EDGE AROUND DRAIN, REMOVE LEAVES					

Appendix E

Photograph Log



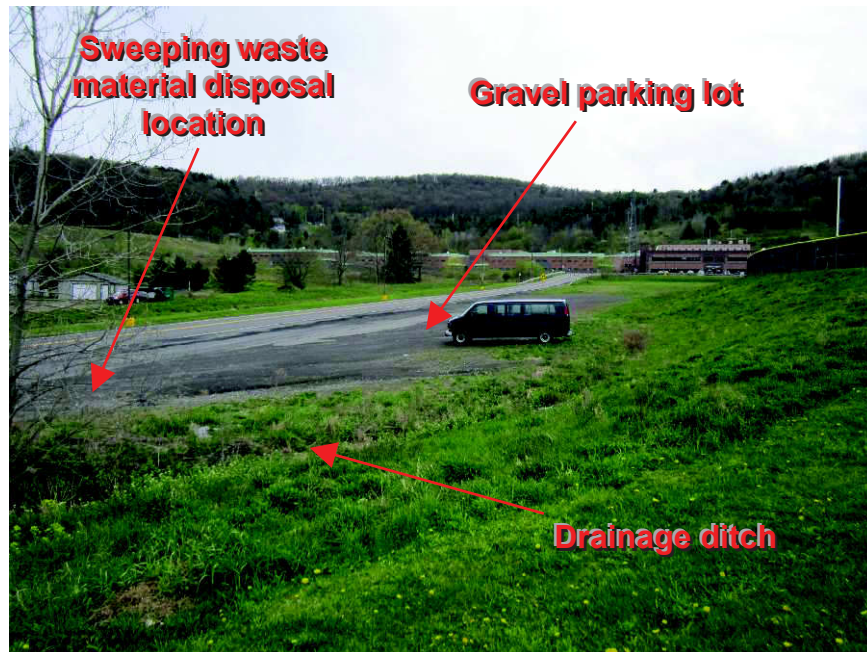
Photograph 1. Campus Services Facility – View of salt storage building. Note salt beyond the covered containment area.



Photograph 2. Campus Services Facility – Additional view of the salt storage building with salt outside of the covered structure.



Photograph 3. Campus Services Facility – View of storm drain inlet located downgradient of the salt storage building.



Photograph 4. Campus Services Facility – View of gravel parking lot where the Town of Dickinson disposes street sweeping waste materials.



Photograph 5. Campus Services Facility – View of drainage ditch and Outfall No. 1 located adjacent to the gravel parking lot shown in Photograph 4.



Photograph 6. Campus Services Facility – Close-up view of waste material pile identified in Photograph 5.



Photograph 7. **Campus Services Facility – View of unnamed drainage to Chenango River.**